JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

First Extraordinary Session of 1972

Held in the State Capitol in the Capital City of Kentucky,
at Frankfort, in the Year of Our Lord 1972 and
in the One Hundred and Eighty-first
Year of the Commonwealth

Begun on the Eighth Day of June, 1972 and
Adjourned Sine Die on the Fifteenth Day of
June, 1972

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by

The Staff of the

Kentucky Legislative Research Commission

Frankfort, Kentucky

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FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final official record of action by the General Assembly.

Under the provisions of Section 6.161, 6.162 and 57.151 of the *Kentucky Revised Statutes,* the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of that obligation for the First Extraordinary Session of 1972.

The text of a bill is spread in full when it receives a first reading. The roll call on passage of a bill is indicated upon its receipt of a third reading. Simple and concurrent resolutions are printed on first reading when applicable or when adopted, and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended.

Mrs. Shan Gray and Mrs. Judi Quire prepared the House Journal for the First Extraordinary Session of 1972. The edited copy and index found in this volume reflect the cooperative efforts of the research section of the Commission's staff.

JACKSON W. WHITE
Director

The Capitol
Frankfort, Kentucky

Journal

of the

House of Representatives

of the

Commonwealth of Kentucky

First Extraordinary Session of 1972

THURSDAY, JUNE 8, 1972

FIRST LEGISLATIVE DAY

At an Extraordinary Session of the General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on June 8, 1972, and in the one hundred and eighty-first year of the Commonwealth, in compliance with a proclamation issued by the Governor of the Commonwealth, the House of Representatives was called to order by the Honorable Norbert Blume, Speaker of the House of Representatives.

Prayer by the Reverend David Zaumeyer, of the Church of the Good Shepherd, Frankfort.

The Clerk read the following proclamation:
Proclamation By The Governor of the Commonwealth of Kentucky.

To All To Whom These Presents Shall Come:
TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY AND TO ALL TO WHOM THESE PRESENTS SHALL COME:

> Pursuant to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Wendell Ford, Governor of Kentucky, do issue this, my proclamation,

convening the General Assembly of Kentucky in Extraordinary Session at the Seat of Government at Frankfort, Kentucky, at 1:00 p.m. (EDST), Thursday, June 8, 1972, for the sole purpose of considering the following subjects:

(1) The amendment of the election laws as set forth in KRS Chapters 117, 125, 126 and 128, to set the residence requirements for eligibility to vote in all elections so as to comply with the decision of the United States Supreme Court in *Dunn, Governor of Tennessee, et al. v. Blumstein,* decided March 21, 1972.

(2) The ratification of the amendment to the Constitution of the United States proposed by House Joint Resolution 208 of the Ninety-Second Congress (Second Session), relative to equal rights for men and women.

(3) The amendment of House Bill 112 enacted at the 1972 Regular Session (1972 Acts, Chapter 17; KRS 120.071-120.076) so as to achieve as nearly as is practicable mathematical equality among districts in accordance with the order of the three judge United States District Court, Eastern District of Kentucky, filed on April 13, 1972, in *Donald M. Wiedeman v. Commonwealth of Kentucky and Thelma Stovall, Secretary of State.*

(4) The amendment of Senate Bill 350 enacted at the 1972 Regular Session (1972 Acts, Chapter 227; KRS 6.011, 6.031, 6.041, 116.192) to make such changes as are necessary to achieve mathematical equality, as nearly as is practicable, in those counties containing in whole or in part state senatorial and representative districts that now do not meet constitutional requirements in accordance with the order of the United States District Court, Eastern District of Kentucky, filed July 23, 1971, in *Hensley, et al. v. Wood, et al.*

(5) The enactment of environmental protection legislation and the establishment of governmental agencies to administer a state program of environmental protection, as proposed by House Bill 294 passed by the House of Representatives and the Senate at the 1972 Regular Session.

(6) The amendment of KRS 338.141, 338.161, 338.991 to conform Kentucky's occupational safety and health legislation to required federal standards.

(7) The amendment of KRS Chapter 289 as respects the law governing insurance required to be provided by state chartered savings and loan associations and the licensing of state chartered savings and loan associations.

The members of the General Assembly will therefore, in accordance with this proclamation, assemble in Extraordinary Session at the Seat of Government at Frankfort, Kentucky, on the day and hour above written, to consider the subjects herein mentioned, and only said subjects and only to the extent herein mentioned.

Done at Frankfort, Kentucky, this second day of June in the year of our Lord one thousand nine hundred and seventy-two and in the year of this Commonwealth the one hundred and eighty-first.

WENDELL FORD, Governor
Commonwealth of Kentucky

THELMA L. STOVALL
Secretary of State

The Clerk read the following certificate from the Secretary of State:

COMMONWEALTH OF KENTUCKY
FRANKLIN COUNTY

I, THELMA L. STOVALL, Secretary of State of the Commonwealth of Kentucky, do hereby certify that, according to the records in the office of the Secretary of State of the Commonwealth of Kentucky, and the best information obtainable, the attached is a true and correct list of the duly elected and qualified members of the General Assembly of the Commonwealth of Kentucky.

Given under my hand and seal of office this 7th day of June, 1972.

THELMA L. STOVALL
Secretary of State
Commonwealth of Kentucky

HOUSE OF REPRESENTATIVES

1. Ballard, Carlisle, Fulton, Hickman. Ralph Ed Graves, Democrat, Bardwell.
2. Graves. Lloyd Clapp, Democrat, Wingo.
3. McCracken. Fred Morgan, Democrat, Paducah.
4. Livingston, McCracken. George F. Harris, Democrat, Salem.
5. Calloway, Trigg. Kenneth C. Imes, Democrat, Murray.
6. Crittenden, Lyon, Marshall. Richard H. Lewis, Democrat, Benton.
7. Caldwell, Crittenden, Union. Joseph H. McBride, Democrat, Waverly.
8. Christian. John O. Hardin, III, Democrat, Hopkinsville.
9. Christian. James E. Bruce, Democrat, Hopkinsville.
10. Hopkins. Omar Parish, Jr., Democrat, Madisonville.
11. Henderson. Gross C. Lindsay, Democrat, Henderson.
12. Daviess, McLean, Webster. Joe Head, Democrat, Providence.
13. Daviess. Charles S. Wible, Democrat, Owensboro.
14. Daviess. Donald J. Blandford, Democrat, Philpot.
15. Hopkins, Muhlenburg. Billy Paxton, Democrat, Central City.
16. Logan, Todd. George Street Boone, Democrat, Elkton.
17. Butler, Hancock, Ohio. Theron Kessinger, Republican, Beaver Dam.
18. Breckinridge, Meade. Willis G. Moremen, Democrat, Brandenburg.
19. Edmonson, Grayson, Hart. J. T. Skaggs, Republican, Leitchfield.
20. Warren. Nicholas Z. Kafoglis, Democrat, Bowling Green.
21. Warren, Simpson. Edward G. (Ed) Brown, Democrat, Bowling Green.
22. Allen, Monroe, Simpson. T. C. Simmons, Republican, Scottsville.
23. Barren, Metcalfe. Bobby H. Richardson, Democrat, Glasgow.
24. Hart, Larue, Marion. Sam B. Thomas, Democrat, Lebanon.
25. Hardin. Sam Houston Watkins, Democrat, Elizabethtown.
26. Hardin. Joe Prather, Democrat, Vine Grove.
27. Hardin, Jefferson. Bill Lile, Republican, Valley Station.

28. Jefferson. James R. Dunn, Democrat, Louisville.
29. Jefferson. J. O. "Oz" Johnson, Republican, Louisville.
30. Jefferson. Thomas J. Burch, Democrat, Louisville.
31. Jefferson. Stanley A. Searcy, Republican, Jeffersontown.
32. Jefferson. E. Bruce Blythe, Republican, Louisville.
33. Jefferson. Peter Conn, Democrat, Louisville.
34. Jefferson. David K. Karem, Democrat, Louisville.
35. Jefferson. Carl A. Nett, Democrat, Louisville.
36. Jefferson. Frank X. Quickert, Jr., Democrat, Louisville.
37. Jefferson. M. J. (Jerry) Kleier, Democrat, Louisville.
38. Jefferson. Dexter S. Wright, Republican, Louisville.
39. Jefferson. Ray Maynard, Democrat, Louisville.
40. Jefferson. George R. Siemens, Democrat, Louisville.
41. Jefferson. Mrs. Mae Street Kidd, Democrat, Louisville.
42. Jefferson. Charlotte S. McGill, Democrat, Louisville.
43. Jefferson. Norbert Blume, Democrat, Louisville.
44. Jefferson. James B. Yates, Democrat, Louisville.
45. Jefferson. Mrs. Dottie Priddy, Democrat, Louisville.
46. Jefferson. Robert F. Hughes, Democrat, Louisville.
47. Jefferson. Edward L. Holloway, Republican, Louisville.
48. Jefferson. Eugene P. Stuart, Republican, Louisville.
49. Bullitt, Spencer. Stuart Kelly, Democrat, Taylorsville.
50. Anderson, Nelson. John Hurst, Democrat, Bloomfield.
51. Green, Metcalfe, Taylor. Herman W. Rattliff, Republican, Campbellsville.
52. Adair, Casey, Cumberland. Raymond D. Overstreet, Republican, Liberty.
53. Clinton, McCreary, Wayne. Randolph Smith, Republican, Monticello.
54. Boyle, Garrard. Joe Clarke, Democrat, Danville.
55. Marion, Mercer, Washington. Forest Aggie Sale, Democrat, Harrodsburg.
56. Jessamine, Woodford. Victor Hellard, Jr., Democrat, Versailles.
57. Franklin. Kenneth C. Wood, Democrat, Frankfort.
58. Henry, Shelby. Louis T. Peniston, Democrat, New Castle.
59. Carroll, Gallatin, Oldham, Trimble. W. J. "Jay" Louden, Democrat, Carrollton.
60. Boone. Wm. K. "Bill" McBee, Democrat, Burlington.
61. Bracken, Owen, Grant, Pendleton. E. T. "Tommy" Reed, Democrat, Corinth.

62. Harrison, Scott. John Swinford, Democrat, Cynthiana.
63. Kenton. Wm. L. Schmaedecke, Republican, Covington.
64. Kenton. Phillip E. King, Democrat, Covington.
65. Kenton. John J. Isler, Democrat, Covington.
66. Kenton. Carl J. Mershon, Democrat, Ludlow.
67. Campbell. Terry L. Mann, Democrat, Southgate.
68. Campbell. William (Bill) Donnermeyer, Democrat, Bellevue.
69. Campbell. Arthur L. Schmidt, Republican, Cold Spring.
70. Fleming, Mason, Robertson. Austin Wenz, Democrat, Dover.
71. Elliott, Morgan, Rowan. Woodford F. (Woody) May, Democrat, Woodsbend.
72. Bourbon, Fayette. Brooks Hinkle, Democrat, Paris.
73. Clark, Powell. Glenn White, Democrat, Winchester.
74. Bath, Montgomery, Nicholas. Charles B. Hart, Democrat, Owingsville.
75. Fayette. William G. Kenton, Democrat, Lexington.
76. Fayette. Bart N. Peak, Democrat, Lexington.
77. Fayette. David L. Van Horn, Democrat, Lexington.
78. Fayette. Larry J. Hopkins, Republican, Lexington.
79. Fayette. Joe Graves, Republican, Lexington.
80. Lincoln, Rockcastle. W. Harold DeMarcus, Republican, Stanford.
81. Madison. Dwight Wells, Democrat, Richmond.
82. McCreary, Whitley. Clifford M. Sharpe, Republican, Williamsburg.
83. Pulaski. Lavey Floyd, Republican, Pointer.
84. Estill, Jackson, Madison. Sam Brewer, Jr., Republican, Irvine.
85. Clay, Laurel. Albert Robinson, Republican, Pittsburg.
86. Clay, Knox. Howard West, Republican, Artemus.
87. Bell. John W. Rowland, Republican, Pineville.
88. Harlan. Bert Ed Pollitte, Democrat, Harlan.
89. Breathitt, Estill, Lee, Owsley. Jeff D. Howell, Democrat, Jackson.
90. Harlan, Leslie, Letcher. Rudolph Williams, Democrat, Mayking.
91. Perry, Leslie. Chester Jones, Democrat, Hazard.
92. Knott, Magoffin, Menifee, Wolfe. Darvin Allen, Democrat, Royalton.

93. Pike. J. C. Justice, Democrat, Pikeville.
94. Pike. Marrs Allen May, Democrat, Pikeville.
95. Floyd. W. J. Reynolds, Democrat, Allen.
96. Carter, Lewis. Jim Davis, Republican, Grayson.
97. Johnson, Lawrence, Martin. L. T. Hardin, Republican, Inez.
98. Greenup. W. Terry McBrayer, Democrat, Greenup.
99. Boyd, Lawrence. Tom Chapman, Democrat, Rush.
100. Boyd. Charles R. Holbrook, III, Republican, Ashland.

The following new members produced their certificates of election, appeared before the Presiding Officer and were administered their oaths of office by Judge John S. Palmore of the Court of Appeals of Kentucky: James B. Yates, Jefferson; John Hurst, Anderson, Nelson; and, Terry L. Mann, Campbell.

The roll was called. All present except Representatives Justice, Morgan, and Overstreet.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Swinford moved that the Certificates of Election of the new members be confirmed. Agreed.

Introduction of Bills and Resolutions

HR 1, by Representative Swinford: A RESOLUTION authorizing appointment of a committee of the House of Representatives to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That a committee of this House of Representatives be appointed by the Speaker to wait upon the Senate and notify that body that the House of Representatives is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the First Extraordinary Session of 1972 of the General Assembly is now organized and ready to receive any communication the Governor may desire to deliver.

Representative Swinford moved the adoption of **HR 1.** Agreed.

The Speaker appointed the following Committee to wait upon the Governor: Representatives J. Graves, Clapp, and Blandford.

Representative Swinford moved that the House resolve itself into a Committee of the Whole to go into Joint Session. Agreed.

Joint Session

The Speaker vacated the Chair, whereupon the Honorable Julian M. Carroll, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Representative Swinford moved that the roll call be dispensed with. Agreed.

Prayer by the Reverend David Zaumeyer of the Church of the Good Shepherd, Frankfort.

The Committee of the House appointed to wait upon the Governor and escort him, with a Committee from the Senate, to the House to address the Joint Session appeared with the Governor.

His Excellency, Wendell H. Ford, Governor of the Commonwealth of Kentucky, was introduced by Lieutenant Governor Julian M. Carroll. Governor Ford addressed the General Assembly as follows:

LIEUTENANT GOVERNOR CARROLL,
MR. SPEAKER,
MEMBERS OF THE GENERAL ASSEMBLY,
MY FELLOW KENTUCKIANS:

Your absence from the Senate and House chambers has been brief. It is my expectation, and I feel sure your desire, that your presence in this Special Session is brief.

The 1972 Kentucky General Assembly assumed the responsibility for many pieces of important legislation, which already have, and will have, a positive effect on every person in this state. Numerous items had been long-neglected. We have corrected a great number of these injustices.

Some of the accomplishments have been cited nationally, with other states already looking to Kentucky for advice and

counsel. Still others have been hailed as major breakthroughs in meeting the present and future needs of our people. More substantive legislation was passed by the 1972 Assembly than in modern history.

Perfection is difficult to obtain. This is especially true in the Democratic process involving a variety of philosophies, interests, individual hopes and the uniqueness of your representative areas. Regardless of what some critics might say, as years pass the applause of Kentuckians will increase.

Now we enter a short extraordinary session based on three factors.

1. A recent ruling of the United States Supreme Court.
2. New Federal standards.
3. The need to constantly strive for perfection.

After you adjourned this year, the Supreme Court handed down a decision relating to state voter residency requirements. This nullifies Kentucky's constitutional provisions governing the subject. Only through a Special Session can we adhere to an order of the nation's highest court.

My call has included, therefore, the Amendment of Election Laws, to set the residence requirements for eligibility to vote in all elections so as to comply with the decision of the Supreme Court.

Election reform was a major achievement for us this year. Adoption of the proposed amendment altering voter residence rules will enable thousands of our citizens to register and vote. These are citizens who heretofore have been disfranchised because they did not meet lengthy resident requirements.

The 92nd Congress, in its second session, gave states an opportunity to ratify a joint resolution relative to equal rights for men and women.

I feel it important that you consider this matter now.

On March 24, as Governor, I signed into law, House Bill 430 passed by the 1972 Regular Session of the General Assembly. This law prohibits discrimination in the hiring of women or persons between the ages of 40 and 65.

I have recognized the vital significance of women in government. They are making decisive contributions by accepting the challenge given them in my administration. Already, we have three women commissioners, and a woman holds a key administrative post in the Governor's office.

As the Regular Session of the 1972 General Assembly began, the Legislature was faced with both congressional and legislative redistricting.

As Governor, I recommended to the Legislature that congressional districts be reapportioned in a fair and equal manner, making a good faith effort to achieve as nearly as possible, mathematical equality between the districts.

House Bill 112 was passed, with the variance in population between the largest and smallest congressional district being less than 1.39. As you know, the bill was challenged in Federal Court on grounds that this legislation had not achieved a precise population equality between Kentucky's congressional districts.

After you had adjourned, final official figures from the Bureau of the Census were received in Kentucky. I then indicated, by letter to the presiding judge of the U.S. District Court hearing the challenge, that I would include in the call for a Special Session, the subject of reapportionment of Kentucky's congressional districts. This would enable you to refine House Bill 112 in an effort to achieve a more precise mathematical equality between the various congressional districts.

Let me remind you however, that the court said our law did not damage the conscience of the court, therefore indicating that House Bill 112 was indeed a good bill and one that would have been accepted.

Nevertheless, we have an opportunity to seek more perfection, and I urge you to do so. The Federal Court has retained jurisdiction of House Bill 112 awaiting the action of this session. I recommend that such changes be made in that legislation as will meet the test of the court. This can be done by shifting only eight precincts in our present congressional districts from which congressmen were nominated in May.

The result will be that no district will vary from the "ideal" by as much as a precinct. The percentage variation of 0.1931 will be a national model.

Recent recalculations of the population in urban counties also makes necessary readjustments in some of our state senatorial and representative districts.

Most districts, beyond a doubt, meet constitutional standards. These districts might well be left undisturbed. Your committees have drafted the necessary legislation to bring all districts into conformance with the court order and constitutional requirements.

It is my firm belief, and I am recommending to you, that no district deviate more than three percent on population variance.

I know that redistricting never is an easy task. I also know that the General Assembly never has failed to face up to its responsibilities.

Another subject that I have asked you to consider is the enactment of environmental protection legislation. As you well know, both houses at the Regular Session passed House Bill 294, But this bill, on the last day, was not enrolled in open session, as required by our Constitution.

The General Assembly overwhelmingly expressed its will on this subject. You have expressed approval of a strong environmental quality program and a strong re-organized structuring of its administration.

The State Government Committee, last week, recommended that the bill be reintroduced as passed by both houses. I concur in that recommendation with four necessary modifications, all of which are incorporated in the bill to be introduced.

The Federal Environmental Protection Agency has asked us by letter (which has been furnished to your committees) that two minor changes be made in House Bill 294. These changes will enable us to meet federal standards and permit Kentucky to administer its own program.

The draft that I am recommending is technically modified to complement the provisions of House Bill 47 which goes into effect June 16. These modifications relate to strip mining fees and their disposition.

I am recommending for your consideration one other change that I believe was actually intended by the legislature that one-

half of the increased acreage fees, as well as one-half of the permit fees, be returned to the county in which the mining operation is located. This revenue-sharing is desirable and should be acceptable.

The General Assembly in enacting the 1972 Occupational Safety and Health Law (HB 391) took a major legislative step in behalf of Kentucky's industrial workers and their families. This law was patterned on the 1970 Federal Act and had the full support of my administration.

The United States Department of Labor has advised me that two minor changes will make our legislation completely acceptable. This advice has been transmitted to your Labor and Industry Committee. Our state plan must provide for sanctions against first instance violations of state standards and must meet the federal criteria on citations for violations of the state law.

I recommend that you adopt the proposed legislation to that effect and make only those changes necessary to conform to the end that the program can be administered by our Kentucky Department rather than my Federal administrators.

The final subject in my call is included because of the present concern over state-chartered savings and loan associations. The insurance of deposits with the associations clearly is desirable as is the necessity to make certain the continued operation of the scores of state associations in which thousands of Kentuckians have invested millions of dollars.

Your banking and insurance committee has found that the unforeseen effect of 1972 Senate Bill 159 is to effectively prohibit loans after June 16, in light of the fact that it takes from eighteen months to two years for state associations to meet federal standards for insurance. The Committee, and the Commissioner of Banking, have drafted a bill to require federal insurance of existing associations by July 1, 1974, and to require insurance before the granting of new charters. I recommend its enactment.

I realize, as you realize, that there are many other items we could consider in a Special Session. However, most of these address themselves to your interim committees for recommendations. I have included in my call those subjects which I consider most pressing and demanding of immediate action.

Many of you have advised me of your desire to meet and consider the people's business with dispatch and a minimum of expense. I agree with you. I, and everyone in the Executive Department, stand ready to assist you and cooperate in every way in the performance of your constitutional duties.

Representative Swinford moved that the Joint Session be dissolved. Agreed.

Speaker Blume resumed the Chair and called the House to order.

Introduction of Bills and Resolutions (continued)

HB 1, by Representative Schmidt: AN ACT relating to elections.

HB 2, by Representative Isler: AN ACT relating to Congressional districts.

HB 3, by Representatives Clarke and Swinford: AN ACT relating to environmental protection.

HB 4, by Representatives Swinford and Reynolds: AN ACT relating to Congressional Districts.

HB 5, by Representatives R. Graves and Swinford: AN ACT relating to elections.

HB 6, by Representatives Siemens, Swinford and Burch: AN ACT relating to the safety and health of workers employed within the Commonwealth of Kentucky.

HB 7, by Representatives Wible and Swinford: AN ACT relating to the requirement that State Savings and Loan Associations become insured by the Federal Savings and Loan Insurance Corporation.

HB 8, by Representative Wells: AN ACT relating to State Legislative Districts.

HJR 2, by Representatives Swinford and R. Graves: A JOINT RESOLUTION ratifying a proposed amendment to the Constitution of the United States.

HJR 3, by Representative Swinford: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the First Extraordinary Session of 1972 of the General Assembly, and declaring an emergency.

HR 4, by Representative Swinford: A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

HCR 5, by Representatives McBrayer and Clarke: A CONCURRENT RESOLUTION directing the formulation of a Kentucky Environmental and Economic Development Policy.

Representative Clarke moved that a roll call be taken for co-sponsors of **HB 3.** Agreed.

The roll call showing co-sponsors of **HB 3** is as follows:

Representatives—Allen, Blume, Blythe, Boone, Burch, Chapman, Clarke, Conn, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Hart, Head, Hellard, Hinkle, Hopkins, Hughes, Imes, Isler, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lindsay, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Nett, Paxton, Peak, Prather, Priddy, Reynolds, Richardson, Rowland, Sale, Sharpe, Siemens, Thomas, Van Horn, Watkins, Wenz, West, Wible, Wright, Yates.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HR 3.**

Banking and Insurance: **HB 7.**

Elections and Constitutional Amendments: **HB 1, HB 5, HR 2.**

Labor and Industry: **HB 6.**

State Government: **HB 2, HB 3, HB 4, HB 8, HR 5.**

Committee Appointments

The Clerk read the following list of appointments of new members to the Standing Committees:

Representative Hurst: Appropriations and Revenue
Agriculture and Natural Resources

Representative Mann: Business Organizations and Professions
Public Utilities and Transportation

Representative Yates: Appropriations and Revenue
Labor and Industry
Public Utilities and Transportation

Representative Swinford moved the adoption of **HR 4.** Agreed.

HR 4, A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Sergeant-at-Arms be directed to invite the pastors of the various Frankfort churches to attend the meetings of this House of Representatives and open the sessions thereof with prayer.

Representative Swinford moved that the Rules be suspended to make a motion regarding the Rules of the House of Representatives. Agreed.

Representative Swinford moved that the Rules requiring posting of bills for committee consideration twenty-four hours prior thereto and requiring the Committee on Rules posting of Orders of the Day prior to each day's session be abolished for the First Extraordinary Session of 1972.

Representative Lindsay moved to amend Representative Swinford's motion to include the rule requiring the filing of amendments one day prior to consideration thereof.

On the roll call the vote was yeas 42—Brewer, Bruce, Burch, Chapman, Clapp, Donnermeyer, J. Graves, R. Graves, J. Hardin, Hellard, Holbrook, Holloway, Hopkins, Imes, Isler, Johnson, Jones, Karem, Kenton, King, Kleier, Lewis, Lile, Lindsay, Louden, McBrayer, McBride, Mann, W. May, Nett, Parish, Peak, Quickert, Sale, Simmons, Skaggs, Thomas, Watkins, Wells, Wenz, White, Wood. Nays 33—Blandford, Blume, Blythe, Boone, Clarke, Conn, Dunn, Hart, Hinkle, Hughes, Hurst, Kafoglis, Kelly, Kessinger, M. May, Maynard, Paxton, Peniston, Prather, Priddy, Reed, Reynolds, Richardson, Rowland, Schmaedecke, Searcy, Sharpe, Siemens, Smith, Stuart, Van Horn, West, Wible, Yates.

The motion to amend the motion on the suspension of the rules was adopted.

On the roll call the vote was yeas 69—Allen, Blandford, Blume, Boone, Burch, Chapman, Clapp, Clarke, Conn, Donnermeyer, Dunn, Ralph Graves, John O. Hardin, III, Harris, Hart, Head, Hellard, Hinkle, Hughes, Imes, Isler, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Nett, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Reed, Reynolds, Richardson, Sale, Schmaedecke, Searcy, Sharpe, Siemens, Swinford, Thomas, Van Horn, Watkins, Wells, Wenz, Wible, Williams, Wood, Wright, Yates. Nays 11—Blythe, DeMarcus, J. Graves, Holbrook, Hopkins, Jones, Kleier, Lile, Robinson, Stuart, West.

The motion to suspend the rules requiring posting for consideration and posting of Orders of the Day as amended was adopted.

Representative Swinford moved that the Rules be suspended to adopt said motion as amended.

On the roll call the vote was yeas 66—Allen, Blandford, Blume, Blythe, Boone, Burch, Chapman, Clapp, Clarke, Conn, Donnermeyer, Dunn, Floyd, Ralph Graves, John O. Hardin, III, Harris, Hart, Head, Hellard, Hinkle, Hughes, Imes, Isler, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Nett, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Reed, Reynolds, Richardson, Sale, Schmaedecke, Siemens, Swinford, Thomas, Van Horn, Watkins, Wenz, Wible, Williams, Wood, Wright, Yates. Nays 14—Brewer, DeMarcus, L. Hardin, Holbrook, Holloway, Hopkins, Jones, King, Kleier, Lile, Robinson, Searcy, Skaggs, Stuart.

The motion that the Rules be suspended to adopt the motion that the rules requiring posting of bills for committee consideration twenty-four hours prior thereto and requiring the Committee on Rules Posting of Orders of the Day prior to each day's session as amended be abolished for the First Extraordinary Session of 1972 was adopted.

Representative Swinford moved that when the House adjourns it do so until 10:00 a.m., Friday, June 9, 1972, and by voice vote. Agreed.

Recess

Representative Swinford moved that the House recess until 4:00 p.m. for committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report of Committees

The Committee on Appropriations and Revenue reported **HR 3** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 3, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the First Extraordinary Session of 1972 of the General Assembly, and declaring an emergency.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there be appropriated out of the General Expenditure Fund, to the Legislative Sessions Fund, for the payment of salaries and other expenses of the First Extraordinary Session of 1972 of the General Assembly, the sum of nine thousand seven hundred sixty dollars per calendar day during the First Extraordinary Session of 1972.

Section 2. That there be appropriated to the Legislative Sessions Fund out of the General Expenditure Fund for the fiscal year beginning July 1, 1972 and ending June 30, 1973, the sum of ten thousand dollars to pay for the cost of printing the Acts and Journals of the First Extraordinary Session of 1972.

Section 3. WHEREAS, the General Assembly is now in session and it is necessary that funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to personnel from and including June 8, 1972 and retroactive to include

payment for necessary expenses incurred in preparation for the First Extraordinary Session of 1972 of the General Assembly.

The Committee on Banking and Insurance reported **HB 7** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 7, AN ACT relating to the requirement that State Savings and Loan Associations become insured by the Federal Savings and Loan Insurance Corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 289 is created to read as follows:

KRS 289.451(13) and KRS 289.461(2) (k) which require state savings and loan associations to become fully insured by the Federal Savings and Loan Insurance Corporation as provided by Title IV of the National Housing Act of 1934, as amended, shall become effective on July 1, 1974; provided, however, that no certificate of incorporation as provided for under KRS Chapter 289 shall be granted or approved by the Commissioner after the effective date of this Act, unless the applicant for such certificate: (1) submits sufficient evidence of being fully insured by the Federal Savings and Loan Insurance Corporation or other federal agency; or (2) submits sufficient evidence of commitment by the Federal Savings and Loan Insurance Corporation or other federal agency that the applicant will be issued federal insurance immediately subsequent to the execution of the certificate of incorporation by the Commissioner.

Section 2. Whereas, it is impossible for state Savings and Loan Associations that are not presently covered by federal insurance, to obtain federal insurance by June 16, 1972 as required by SB 159 enacted by the 1972 Regular Session of the General Assembly (Chapter 267, 1972 Acts of the General Assembly), an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Elections and Constitutional Amendments reported **HB 5** and **HR 2** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 5, AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 117.605 is amended to read as follows:

Every person, male or female, *who is a resident of this state and has resided in the precinct in which he offers to vote thirty (30) days next preceding the day of any regular or special election,* who possesses, on the day of *the* [and regular or special] election, the qualifications set forth in Constitution Section 145, *exclusive of the durational residency requirements* [except in Presidential elections], who is not disqualified under that section or under any statute, and who is registered as provided in KRS 117.600 to 117.895, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote [under Constitution 145. A person may register to vote for President and Vice President provided he has resided in the state thirty (30) days prior to the election]. A registered voter who moves within thirty (30) days of *an* [a Presidential] election and is not permitted to register at the new residence may vote at the former residence either in person or by absentee ballot. No person shall be permitted to vote at any regular, primary or special election unless he is registered as provided in KRS 117.600 to 117.895.

Section 2. KRS 117.615 is amended to read as follows:

Any person, male or female, may register as a voter during the period the registration books are open if he possesses or will possess on the day of the next regular election, the qualifications set forth in *KRS 117.605* [Constitution 145 except in Presidential elections. Durational residence requirements shall not apply to potential registrants for voting in elections for President and Vice President]. Any member of the armed services while on extended duty may register not later than thirty (30) days before the election, provided he possesses the necessary qualifications.

Section 3. KRS 117.620 is amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may register by absentee application, or appear before the county clerk of the county of his residence or at the temporary branch offices authorized by the county board of re-

gistration and purgation, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or said temporary branch office or the board of registration commissioners is open for business except as otherwise provided in subsection (4) of this section. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed *the thirty (30)* [fifty-nine] days prior to, and *the* five days following, any primary or general election, and the *ten* (10) days prior to any special election or city primary election held under the provisions of KRS 89.060 and KRS 89.440, and no voter shall be registered or be permitted to change his registration or party affiliation during the period that the books are closed; except that, the registration books shall be closed only in those precincts in which the election is held [and except that in years when Presidential elections are held, the books or lists shall be closed thirty days prior to the election. A separate file shall be maintained of those persons who do not comply with state residence requirements. The date on which each person will qualify for voting in state and local elections shall be noted, and on that date the person's registration card shall be placed in the permanent file].

(2) In all counties the county clerk, when authorized by the county board, shall receive registrations, transfers, or change of party affiliation at branch offices at any place in the county *during those periods that the registration books are open,* provided such offices are housed in *any* [a public] building to be selected by the county board. *However, notice in the manner provided by Section 424 of the Kentucky Revised Statutes must be given at least 3, but not more than 14, days in advance, of the time and place of any branch registration, and 10 days written notice must be given to the county executive committee of each major political party in the county in which the branch registration is to be held.* [The branch offices shall not be open for a longer period than fifteen (15) days, prior to the closing of the registration books prior to any primary or general election, and but one branch office shall be open in any county at the same time.] Any person possessing the qualifications for registration as a legal voter of any voting precinct in the county may appear before the clerk during the period the books are open at the office or branch office, and

register or change his party affiliation or transfer his registration card.

(3) For the purpose of registering voters in a city of the second or third class which is not the county seat, the county clerk shall maintain a branch office in the courthouse or city hall of the city and take thereto the registration books for each voting precinct in the city and keep them there during the period the books are open.

(4) Any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the county clerk, or the board of registration commissioners if he resides in a city of the first class, by letter or by form which may be provided. The clerk or board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the clerk or the board within ten (10) days from the date of notice. If no protest is filed within the ten-day (10) period, the county clerk or the board shall change the party affiliation of the voter as requested. If a protest is filed, the change shall not be made until the clerk or the board has investigated the matter and given the protesting voter an opportunity to be heard. The date on which the change is made shall be noted on the voter's registration record. No change of party affiliation shall be made except on those days when registrations are allowed under subsection (1) of this section.

Section 4. KRS 125.140 is amended to read as follows:

(1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the mechanical model, in the use of the machine, if the voter so requests.

(2) No voter shall be permitted to receive any assistance in voting unless he *executes a written* [makes and signs an] oath that, by reason of inability to read English, or by reason of [blindness or other] physical disability he is unable to vote without assistance. Upon making and filing with the judges such oath, the voter shall retire to the voting machine, with the judges, and one (1) of the judges shall then, in the presence of the other and the voter, operate the machine as the voter directs. [In case] The *disable* person applying to vote [is blind, he] may, if he pre-

fers, be assisted by a person of his own choice *who is not an election officer.* The clerk shall swear the person accompanying the *disabled* [blind] voter to operate the voting machine in accordance with the directions of the *disabled* [blind] voter, and the *disabled* [blind] voter and the person sworn shall then enter the voting booth and the one so sworn shall operate the machine for the *disabled* [blind] voter as he directs. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his oath the specific physical disability that requires him to receive assistance, and the judges of election shall enter in writing, on a record of assisted voters, the voter's name and the specific physical disability which required him to receive assistance.

(3) No voter shall be permitted to occupy the voting machine more than two (2) minutes if other voters are waiting to use it.

(4) In primary elections, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons who are seeking nomination as candidates of the party with which the voter is affiliated.

(5) If the machine is so constructed as to require adjustment after one (1) person has voted before another person may vote, the judges of election shall so adjust it after each person has voted.

(6) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.

[(7) In elections for President and Vice President, if a voter is eligible to vote only for the office of President and Vice President, a judge of the election shall adjust the machine so that the voter will only be able to vote for President and Vice President.]

Section 5. KRS 128.020 is amended to read as follows:

Every person, *male or female, who is a resident of this state and has resided in the precinct in which he offers to vote thirty (30) days next preceding the day of any regular or special election,* who possesses on the day of any election the qualifica-

tions set forth in Constitution Section 145, *exclusive of the durational residency requirements* [except in elections for president and vice president], who is not disqualified under that section or under any *other* statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote [under Constitution Section 145. A person may register to vote in elections for president and vice president provided he has resided in the state thirty days prior to the election]. A registered voter who moves less than thirty days before an election [for president and vice president] and is not permitted to register at his new residence may vote at his former residence either in person or by absentee ballot.

Section 6. KRS 128.040 is amended to read as follows:

(1) Any person may register as a voter during the period registration is open if he possesses, or will possess on the day of the next election, the qualifications set forth in *KRS 128.020* [Constitution Section 145, except in elections for president and vice president. Durational residence requirements shall not apply to potential registrants for voting in elections for president and vice president].

(2) Except during implementation of the initial statewide registration as provided in KRS 127.020(4), the county board of elections shall cause all registration to be closed *the* thirty days prior to, and *the* five days following any primary or general election, and *the* ten days prior to any special election. No voter shall be registered or be permitted to change his registration during the period that the registration is closed; except that, registration shall be closed only in those precincts in which the election is held.

[(3) A separate file shall be maintained of those persons who have registered to vote in elections for president and vice president but do not qualify to vote in state and local elections because of failure to comply with residence requirements. The date on which each person will qualify for voting in state and local elections shall be noted, and on that date the person's registration form shall be placed in the permanent file.]

(3) [(4)] In all counties the county clerk, when author-

ized by the county board, shall receive registration, transfers, or change of party affiliation at branch offices at any place in the county during those periods that the registration books are open. However, notice in the manner provided by KRS Chapter 424 must be given at least 3, but not more than 14, days in advance[,] of the time and place of any branch registration, and 10 days written notice must be given to the county executive committee of each major political party in the county in which the branch registration is to be held.

(4) [(5)] Any person may register to vote or may change his party affiliation in person or by mail. He may apply to the county clerk in writing on the form prescribed by the State Board of Elections; and upon receipt of the form, properly filled out and signed by the applicant, the clerk shall register the applicant.

Section 7. KRS 125.140 is amended to read as follows:

(1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the mechanical model, in the use of the machine, if the voter so requests.

(2) No voter shall be permitted to receive any assistance in voting at the polls unless he *executes a written* [makes and signs an] oath that, by reason of inability to read English, or by reason of [blindness or other] physical disability he is unable to vote without assistance. Upon making and filing with the judges such oath, the voter shall retire to the voting machine, with the judges, and one of the judges shall then, in the presence of the other and the voter, operate the machine as the voter directs. The disabled person applying to vote may, if he prefers, be assisted by a person of his own choice who is not an election officer. The clerk shall swear the person accompanying the *disabled* [blind] voter to operate the voting machine in accordance with the directions of the *disabled* [blind] voter, and the *disabled* [blind] voter and the person sworn shall then enter the voting booth and the one so sworn shall operate the machine for the *disabled* [blind] voter as he directs. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his oath the specific physical disability that requires him to receive assistance, and the judges of election

shall enter in writing, on a record of assisted voters, the voter's name and the specific physical disability which required him to receive assistance.

(3) No voter shall be permitted to occupy the voting machine more than two minutes if other voters are waiting to use it.

(4) In primary elections, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.

(5) If the machine is so constructed as to require adjustment after one person has voted before another person may vote, the judges of election shall so adjust it after each person has voted.

(6) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.

[(7) In elections for president and vice president, if a voter is eligible to vote only for the office of president and vice president a judge of the election shall adjust the machine so that the voter will only be able to vote for president and vice president.]

Section 8. Whereas, it is necessary that Sections 1, 2, 3 and 4 of this Act become effective prior to the November, 1972, election, an emergency is declared to exist and Sections 1, 2, 3 and 4 of this Act shall become effective immediately upon passage of this Act and approval by the Governor.

Section 9. Sections 5, 6, and 7 of this Act shall become effective December 1, 1972.

Section 10. Sections 1, 2, 3 and 4 of this Act and KRS 126.150, 126.160, 126.210, 126.220, and 126.225 amended by HB 251 during the 1972 Regular Session of the General Assembly are intended to apply only until after the November, 1972, election and shall be repealed effective December 1, 1972.

HR 2, A JOINT RESOLUTION ratifying a proposed amendment to the Constitution of the United States.

WHEREAS, House Joint Resolution 208 of the Ninety-Second Congress (Second Session) proposes an amendment to the Constitution of the United States; and

WHEREAS, the amendment so proposed shall be valid to all intent and purposes as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress; and

WHEREAS, the purpose of the proposed amendment is in keeping with the desires of the people of this Commonwealth to insure that equality of rights under law shall not be denied or abridged by the United States or any State on account of sex;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The amendment to the Constitution of the United States proposed by House Joint Resolution 208 of the Ninety-Second Congress (Second Session), proposing an amendment to the Constitution of the United States relative to equal rights for men and women and reading as follows, hereby is ratified:

Article

Section 1. Equality of rights under law shall not be denied or abridged by the United States or any State on account of sex.

Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section 3. This Amendment shall take effect two years after the date of ratification.

Section 2. The Governor of the Commonwealth shall cause certified copies of this resolution to be sent to the Administrator of General Services of the United States, to the Secretary of State of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States. The Secretary of State of this Commonwealth shall cause certified copies of the resolution to be sent to the Governor of each of the United States.

The Committee on Labor and Industry reported **HB 6** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 6, AN ACT relating to the safety and health of workers employed within the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 338.141 is amended to read as follows:

(1) If upon inspection an authorized representative of the commissioner finds that an employer has violated any requirement of this chapter, a citation shall be issued to the employer. Each citation shall describe the alleged violation, establish the time period permitted for correction by fixing a reasonable date by which the alleged violation shall be eliminated, [and set the fine to be paid if the alleged violation is not so corrected] *and propose the civil penalty to be paid.* If within fifteen working days from the receipt of the citation [the] *an* employer, *employee or representative of the employees* fails to notify the commissioner that he intends to contest the citation, then the citation shall be deemed a final order of the review commission and not be subject to review by any court or agency.

(2) The commissioner, upon determination that an employer is acting in good faith to correct the cited violation, may grant additional time for compliance upon application by the employer.

(3) If an employer, *employee or representative of the employees* notifies the commissioner that he intends to challenge a citation issued under this section or under KRS 338.131, the commissioner shall notify the review commission of such notification and the review commission shall afford an opportunity for a hearing.

(4) In the case of any review proceedings initiated by an employer, *employee or representative of the employees* under this chapter, the time period permitted for correction of cited violations may be extended by the review commission.

Section 2. KRS 338.161 is amended to read as follows:

(1) The Department of Labor shall develop and maintain a program of collection, compilation, and analysis of occupational safety and health statistics. Each employer shall make, keep and preserve, and make available to the commissioner *and the Secretary of the United States Department of Labor or the Secretary*

of the United States Department of Health, Education, and Welfare, such records regarding his activities relating to this chapter as may be prescribed by regulation.

(2) The Department of Labor shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protection and obligations under this chapter.

Section 3. KRS 338.991 is amended to read as follows:

(1) Any employer who willfully or repeatedly violates the requirement of any section of this chapter including any standard, regulation, or order promulgated pursuant to this chapter, may be assessed a civil penalty of up to $10,000.00 for each violation.

(2) Any employer who has received a citation for a serious violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, shall be assessed a civil penalty of up to $1,000.00 for each violation.

(3) Any employer who has received a citation for a violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to $1,000.00 for each violation.

(4) [(2)] Any employer who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of up to $5,000.00 for each day during which such failure or violation continues.

(5) [(3)] Any employer found to be in violation of KRS 338.121 (3) shall be assessed a civil penalty of up to $10,000.00 for each violation.

(6) [(4)] The review commission shall have the authority to modify all civil penalties and fines provided for in this chapter. The review commission may, at its discretion, suspend the time period allotted for correction of a violation during the review of an appeal from the violation in question.

(7) [(5)] All civil penalties and fines collected under the provisions of this chapter shall be paid into the general fund.

(8) [(6)] Any employer or individual who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than $10,000.00 or by imprisonment for not more than six months, or by both.

(9) [(7)] Any person who gives advance notice of any investigation or inspection to be conducted under this chapter, without authority from the commissioner, shall, upon conviction, be punished by a fine of not more than $1,000.00 or by imprisonment for not more than six months, or by both.

(10) [(8)] Any employer or individual who refuses entry to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, or in any way willfully obstructs him from carrying out his investigation or inspection, shall, upon conviction, be punished by a fine of not more than $1,000.00, or by imprisonment for not more than six months, or by both.

(11) [(9)] Any employer or individual who willfully causes bodily harm to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, shall, upon conviction, be punished by a fine of not more than $10,000.00, or by imprisonment for not more than one year, or by both.

(12) As used in this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

The Committee on State Government reported **HB 3** and **HB 4** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 3, AN ACT relating to environmental protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 224 is created to read as follows:

As used in KRS Chapter 224 unless the context clearly indicates otherwise:

(1) "Air contaminant" includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive matter, noxious acids, fumes, gases, odor, vapor, or any combination thereof;

(2) "Air contaminant source" means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, and heating and power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, indoor and outdoor, refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing.

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interfere with the comfortable enjoyment of life or property;

(4) "Cesspool" means a cavity in the ground which receives human excrement and domestic wastes to be partially absorbed directly by the surrounding soil;

(5) "Commission" means the Environmental Quality Commission;

(6) "Commissioner" means the Commissioner of Environmental Protection;

(7) "Department" means the Department of Environmental Protection;

(8) "District" means an air pollution control district as provided for in KRS Chapter 77;

(9) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, co-partnership, association, firm, trust, estate, or other entity whatsoever;

(10) "Seepage pit" means a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank;

(11) "Septic tank" means a septic toilet, chemical closet and any other watertight enclosure used for storage and decomposition of human excrement and domestic wastes;

(12) "Sewage system" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of liquid or water-borne sewage, industrial wastes or other wastes;

(13) "Solid waste" means all putrescible and non-putrescible refuse in solid form. Solid waste includes but is not limited to garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, and special wastes including explosives, pathological wastes and radioactive materials;

(14) "Solid waste disposal site or facility" means any place at which solid waste is disposed of by incineration, landfilling or any other method;

(15) "Tank" means any container when placed on a vehicle to carry in transport wastes removed from a septic tank, cesspool or seepage pit;

(16) "Water pollution" means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the Commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural or other legitimate purposes;

(17) "Water" or "waters of the Commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction.

Section 2. A new section of KRS Chapter 224 is created to read as follows:

(1) There is hereby created a statutory administrative department of the state government within the meaning of KRS Chapter 12, which shall be known and designated as the Department of Environmental Protection.

(2) The head of the Department of Environmental Protection shall be the Commissioner of Environmental Protection who shall be appointed by the Governor and who shall be the chief executive officer and shall have sole charge of the administration of the department.

(3) The commissioner may appoint in the manner prescribed by law such deputies, directors, assistants, and other officers and employees as may be needed for the performance of his duties and may prescribe their powers and duties.

Section 3. A new section of KRS Chapter 224 is created to read as follows:

In addition to any other powers and duties vested in it by law, the department shall have the authority, power, and duty to:

(1) Exercise general supervision of the administration and enforcement of this Act and all rules, regulations and orders promulgated thereunder;

(2) Prepare and develop a comprehensive plan or plans related to the environment of the Commonwealth;

(3) Encourage industrial, commercial, residential and community development which provides the best usage of land areas, maximizes environmental benefits and minimizes the effects of less desirable environmental conditions;

(4) Develop and conduct a comprehensive program for the management of water, land, and air resources to assure their

protection and balance utilization consistent with the environmental policy of the Commonwealth;

(5) Provide for the prevention, abatement, and control of all water, land, and air pollution including but not limited to that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients, heated liquid, or other contaminants;

(6) Provide for the control and regulation of strip mining and reclamation in a manner to accomplish the purposes of KRS Chapter 350.

(7) Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;

(8) Collect and disseminate information and conduct educational and training programs relating to the protection of the environment;

(9) Appear and participate in proceedings before any federal regulatory agency involving or affecting the purposes of the department;

(10) Enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or non-compliance with this Act or any rule or regulation which may be promulgated thereunder;

(11) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books and records by the issuance of subpoena;

(12) Accept, receive, and administer grants or other funds or gifts from public and private agencies including the Federal Government for the purpose of carrying out any of the functions of the department. Such funds received by the department shall be deposited in the state treasury to the account of the department;

(13) Request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the department in the performance of its duties.

(14) Advise, consult, and cooperate with other agencies, of the Commonwealth, other states, the Federal Government,

and interstate and interlocal agencies, and affected persons, groups and industries;

(15) Formulate guides for measuring presently unidentified environmental values and relationships so they can be given appropriate consideration along with social, economic, and technical considerations in decision making;

(16) Monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems and to warn of emergency conditions;

(17) Adopt, modify or repeal with the recommendation of the commission any standard, rule, regulation or plan specified in Section 5 (5) and (6) of this Act;

(18) Issue, after hearing, orders abating activities in violation of KRS Chapter 224, or the provisions of this Act or the regulations promulgated pursuant thereto and requiring the adoption of such remedial measures as the department may deem necessary;

(19) Issue, continue in effect, revoke, modify or deny under such conditions as the department may prescribe, permits for the discharge of any sewage, industrial wastes or other wastes, into any waters of the Commonwealth, and for the installation, alteration, expansion, or operation of any sewage system; the installation, alteration, or use of any machine, equipment, device or other article that may cause or contribute to air pollution or is intended primarily to prevent or control the emission of air pollution; or the establishment or construction and the operation or maintenance of solid waste disposal sites and facilities; and require that applications for such permits be accompanied by plans, specifications, and such other information as the department deems necessary;

(20) Require, by regulation, that any person engaged in any operation regulated pursuant to KRS Chapter 224 install, maintain, and use at such locations and intervals as the department may prescribe any equipment, device or method to monitor the nature and amount of any substance emitted or discharged into the ambient air or waters of the Commonwealth and to provide any information concerning such monitoring to the department in accordance with the provisions of subsection (21).

(21) Require by regulation that any person engaged in any operation regulated pursuant to KRS Chapter 224 file with

the department reports containing information as to location, size, height, rate of emission or discharge, and composition of any substance discharged or emitted into the ambient air or into the waters of the Commonwealth, and such other information as the department may require; and

(22) Perform such other and further acts as may be necessary to carry out the duties and responsibilities herein described.

Section 4. A new section of KRS Chapter 224 is created to read as follows:

(1) There is hereby created the Environmental Quality Commission which shall consist of seven members appointed by the Governor.

(2) All members of the commission shall be citizens eligible to vote in elections in this Commonwealth. At all times a majority of the Commission shall meet the requirements of Section 7, and "person" as used in Section 7 shall relate to a majority of the members of the commission.

(3) Of the seven members of the commission first to be appointed, one shall be appointed for a term of one year; two for a term of two years; two for a term of three years; and two for a term of four years, beginning on the effective date of this Act. Thereafter, all appointments shall be made for terms of four years beginning on the first day of January of the year in which the appointment is made. Each of the appointed members of the commission shall hold office for the term for which he was appointed and until his successor shall have been appointed and taken office in his stead or until he shall resign or be removed in a manner provided by law.

(4) Any vacancy in an unexpired term shall be filled for the unexpired portion of the term in the same manner as the original appointment to that term.

(5) No salary or other compensation shall be allowed any member of the commission for services as such a member but each member may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(6) The commission shall select one of its members as chairman, another as vice-chairman, and another as secretary at its first regular meeting in the calendar year.

(7) Staff services for the commission shall be performed, insofar as practicable, by personnel of the department.

(8) The commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the commission in the performance of its duties.

(9) The commission shall hold regular meetings at least once in every three months, the time and place of which shall be determined by the commission. Special meetings may be called by the chairman or by three members of the commission by delivery to each member of the commission of a written notice thereof at least five days in advance of the date of any such meeting. Four members of the commission shall constitute a quorum at any meeting. The commission shall establish bylaws for the conduct of its meeting and shall keep an accurate record of all its proceedings.

Section 5. A new section of KRS Chapter 224 is created to read as follows:

The Environmental Quality Commission shall have the power, duty and authority to:

(1) Establish such advisory committees as may be necessary and convenient;

(2) Advise the commissioner on any matter within his responsibility which it deems necessary;

(3) Advise the Governor on any matter covered by the provisions of this Act;

(4) Serve as a working public forum for the exchange of views, concerns, ideas, information, and recommendations relating to the quality of the natural environment.

(5) Recommend adoption or rejection by a majority of its membership present and voting any proposal by the department to adopt, modify or revoke;

(a) Any positions proposed to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the quality of the environment of the state;

(b) Any rule or regulation pertaining to the procedural

aspects of hearings, appeals, the filing of reports, the issuance of orders, the issuance of permits, and the application for and the granting of exemptions; or

(c) Any procedures for the financial assistance grants proposed to be given to municipal, regional, county, or state organizations for environmental purposes; and

(6) Recommend adoption or rejection after public hearing by a majority of its membership present and voting any proposal by the department to adopt, modify, or revoke;

(a) Any comprehensive environment quality plan, program or policy proposed for adoption as a state plan or policy pertaining to an environmental management activity; or

(b) Any rule or regulation pertaining to the prevention, abatement, and control of existing or threatened air or water pollution, disposal of solid waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.

Section 6. A new section of KRS Chapter 224 is created to read as follows:

In any matter prepared and proposed to the commission for its recommendation pursuant to Sections 3 and 5 of this Act, such recommendation shall be effected by the affirmative vote of a majority of the members of the commission present and voting. The commission shall tender in writing its recommendation of adoption or rejection. If the department adopts any matter upon the commission's recommendation of rejection, the commissioner shall file with the commission a statement of the reason therefor.

Section 7. A new section of KRS Chapter 224 is created to read as follows:

No person shall be eligible to serve as a member of the Environmental Quality Commission who holds a permit for any purpose issued by the department or who is an officer, employee or agent, or who is a stockholder owning 7.5 percent or more of the voting stock of any corporation or organization holding a permit issued by the department for any purpose, or who is an officer, employee, or agent of any trade association which represents any person, corporation or organization holding a permit issued by the department for any purpose.

Section 8. A new section of KRS Chapter 224 is created to read as follows:

The department is hereby designated as the water pollution agency for this state and for any city, county, or district, or authority within this state for all purposes of the Water Pollution Control Act, Public Law 80-845 approved June 30, 1948, as amended; as air pollution agency for this state for all purposes of the Federal Air Quality Act, Public Law 90-148, approved November 21, 1948, as amended, and as solid waste agency for this state for all purposes of the Federal Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, as amended. The department may take all action necessary or appropriate to secure to this state and all cities, counties, districts, and authorities within this state the benefits of such federal Acts.

Section 9. KRS 224.330 is amended to read as follows:

[It shall be unlawful for any] *No* person *shall,* directly or indirectly, [to] emit into or discharge into the air under the jurisdiction of the Commonwealth, or [to] cause, permit, or allow to be emitted or discharged into such air any contaminants as provided for in *Section 1 (1) of this Act* [subsection (7) of KRS 224.010] that shall cause or contribute to the pollution of the air of the Commonwealth in contravention of the emission standards or the ambient air standards adopted by the *department* [commission], or in contravention of any of the rules, regulations, or orders of the *department* [commission], or in contravention of any of the provisions of KRS *Chapter 224.* [224.310 to 224.460 and 224.991.]

Section 10. KRS 224.060 is amended to read as follows:

[(1) It shall be unlawful for any person,] *No person shall,* directly or indirectly, [to] throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or [to] cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any sewage, industrial wastes or other wastes that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards [of water quality], adopted by the *department* [commission] or in contravention of any of the rules, regulations or orders of the *department* [commission] or in contravention of any of

the provisions of *KRS Chapter 224.* [224.010 to 224.060, 224.080 or 224.100.]

[(2) No new outlet through which sewage, industrial wastes, or other wastes are or may be thrown, drained, run or otherwise discharged into the waters of the Commonwealth shall be made or constructed by any person or persons after June 15, 1950, without first obtaining a permit to construct and use such outlet issued by the commission pursuant to rules and regulations to be prescribed by it.]

[(3) It shall be unlawful for any person to construct or install a disposal system, to make any change in, addition to or extension of any existing disposal system, or to operate any such new or existing system so changed, added to, or extended, without first obtaining from the commission approval of the plans and specifications therefor and a written permit for its construction and operation.]

[(4) No extension, modification or addition to any establishment located within the Commonwealth, the operation of which might cause or tend to cause a substantial increase in the discharge of industrial wastes or other wastes into the waters of the Commonwealth shall be constructed without first obtaining from the commission approval of the plans and specifications therefor and a written permit for its construction and operation.]

[(5) It shall be unlawful for any person who, on June 15, 1950, is discharging or permitting to be discharged into the waters of the Commonwealth any sewage, industrial wastes or other wastes, to continue or to permit the continuance of such discharge from and after the expiration of a period of twelve months after June 15, 1950, without first obtaining a permit therefor issued by the commission pursuant to rules and regulations to be prescribed by it.]

Section 11. A new section of Chapter 224 is created to read as follows:

(1) No person shall have primary responsibility for the operation of any sewage system or portion thereof whether publicly or privately owned unless he has passed an examination prescribed by the Department of Environmental Protection which shall determine his skill and competency for such operation and has been issued a certificate to that effect by the department.

(2) No person shall authorize or allow any person who does not hold a certificate issued pursuant to subsection (1) to have primary responsibility for the operation of any sewage system or portion thereof.

(3) The department may classify all sewage systems and portions thereof in the manner provided by the rules and regulations of the department with regard to size, type, physical conditions affecting such systems or portions thereof, and the skill, knowledge and experience required for the operation of the system or portion thereof and restrict the application of any certificate issued pursuant to subsection (1) to the operation of a sewage system or portion thereof of a specific class.

Section 12. A new section of KRS Chapter 224 is created to read as follows:

It is hereby declared to be the policy of this Commonwealth and the purpose of this Act to provide for the disposal of solid waste in a manner that will protect the public health and welfare, prevent the spread of disease and creation of nuisances, conserve our natural resources, and enhance the beauty and quality of our environment.

Section 13. A new section of KRS Chapter 224 is created to read as follows:

No person shall dispose of solid waste at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by the department.

Section 14. A new section of KRS Chapter 224 is created to read as follows:

No provision of Sections 12 through 15 of this Act shall be construed so as to prevent a person from disposing of solid waste from his own household upon his own land as long as such disposal does not create a nuisance or a hazard to health.

Section 15. A new section of KRS Chapter 224 is created to read as follows:

The Department of Environmental Protection shall not revoke, refuse to issue or refuse to renew permits to operators of solid waste disposal sites or facilities solely because the oper-

ator uses an incinerator for disposing of solid waste material. Provided, however, that the department shall be empowered to revoke, refuse to issue or refuse to renew solid waste disposal permits if the operator has not complied with its regulations relating to permits to use incinerators, refuse burners and open burning. This section shall not prevent the department from revoking, refusing to issue or refusing to renew solid waste disposal permits due to the use of incinerators, refuse burning and open burning which it has not authorized.

Section 16. KRS 224.227 is amended to read as follows:

Each person engaged in such business for the purposes aforesaid shall file an application directly with the commissioner [, or through his authorized representatives in city, county or district health departments, to be forwarded to the commissioner] with such information as he may require. The application shall state the nature of the business, the post office address of the applicant, and the post office address at or from which the business is to be continued. If the applicant shall operate a branch or other places of business, the application shall so state. The application shall state any additional information as the commissioner may require. The application to engage in the business as herein defined shall be accompanied by a license fee of twenty-five dollars, payable to the Department of *Environmental Protection* [Health]. If the commissioner, after such investigation as he deems necessary, is satisfied that the applicant has the qualifications, experience, reputation and equipment to perform the services in a satisfactory manner and not detrimental to *the environment or to* public health, he shall issue or cause to be issued a license for the said business. The application for such license shall be made to the commissioner prior to March 1 of each year, and shall be accompanied by a surety bond tendered by a company registered in the Commonwealth of Kentucky, to indemnify persons for whom service and maintenance work is performed, if faulty; or with such sureties, form and sufficiency as shall be approved by the commissioner. Such bonds shall be in the amount of one thousand dollars for residents of the State of Kentucky and five thousand dollars for nonresidents. The commissioner shall be the obligee, and the bond shall be for the benefit and purpose to protect all persons damaged by faulty workmanship in the servicing or maintaining of septic tanks, cesspools or seepage pits, and shall guarantee the appear-

ance of the licensee to answer any summons within thirty days of notice to the bonding company of the issuance of such summons. Such bonds shall be conditioned upon the performance of the services in workmanlike and hygienic manner.

Section 17. KRS 224.230 is amended to read as follows:

All trucks or other vehicles used to transport or carry wastes from septic tanks, cesspools or seepage pits shall carry a license by the commissioner for inspection by his representative or any law enforcement agent. The application for such vehicle license shall be made prior to March 1 of each year, and shall state the make, model and year of such vehicle, as well as the capacity of the tank used in the removal of said waste from septic tanks, cesspools and seepage pits, and also such other information as the commissioner shall require. Each application shall be accompanied by a license fee of ten dollars for each vehicle sought to be licensed, payable to the Treasurer of the Commonwealth of Kentucky. If the commissioner, after such investigation as he deems necessary, is satisfied that such truck or vehicle and equipment is proper and hygienic for said purpose, he shall issue or cause to be issued a license for the use of said vehicle for said purpose. [Applications and fees for vehicles licensed under KRS 224.220 to 224.237 may be received by authorized representatives of the commissioner in city, county or district health departments, and the same forwarded to the commissioner with such information as he may require.] This license is not transferable from one vehicle to another, and all licenses shall expire on the last day of February of each year. In addition to the vehicle license, which shall be carried on the vehicle at all times, there shall be painted on both sides of said vehicle in letters not less than two inches high the words "*K.D.E.P.* [K.D.H.] licensed vehicle," and said words shall be followed with vehicle license number.

Section 18. KRS 224.233 is amended to read as follows:

(1) The tank shall be kept tightly closed in transit to prevent the escape of contents or odors, and the outside of all vehicles and accessory equipment shall be kept clean.

(2) Waste from any septic tank, seepage pit or cesspool may be dumped into municipal sewage treatment systems

where available, but shall be subject to the requirements of said municipality.

(3) In the absence of such municipal disposal facilities, wastes may be buried on private property in locations over two hundred yards from any residence, public or private place of business, public gathering place or public thoroughfare, subject to written approval of the property owner. Said written approval must be preserved and carried on the vehicle for inspection; all such wastes must be so disposed of, as to create no public nuisance or health hazard. Burial may be required by the *department* [local health agency having jurisdiction].

(4) Waste removed from septic tanks, seepage pits or cesspools may be buried on the property from which it originates at least seventy-five feet from any water supply and twenty-five feet from any body of water, provided it is covered with at least twelve inches of earth and protected until settled.

(5) Under no conditions shall dumping be permitted into or adjacent to any public or private lake, pond, stream, river or any other body of water, nor shall any vehicle be permitted to pump directly from such body of water into said vehicle for flushing and cleaning the tank or other equipment on the vehicle.

(6) All services shall be conducted in a workmanlike manner and the property served left in a sanitary condition.

(7) After such services are rendered, the licensee or his service representative shall furnish the customer with a signed receipt upon payment in full for services, which receipt carries the business name and address, name of the owner of the business and *K.D.E.P.* [K.D.H.] vehicle license number as required under KRS 224.230.

Section 19. A new section of KRS Chapter 224 is created to read as follows:

No person shall emit beyond the boundaries of his property or from any moving vehicle any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity in contravention of any rule or regulation adopted by the department.

Section 20. A new section of KRS Chapter 224 is created to read as follows:

Any record or other information furnished to or obtained by the department shall be open to reasonable public inspection except that any record or information, not relating to emission data, which constitutes a trade secret and is designated as such by the owner or operator in accordance with the rules and regulations of the department shall be confidential and for the use only of the department and other departments, agencies and officers of the Commonwealth in the performance of their duties. Nothing herein shall be construed to prevent the use of such records or information by any department, agency, or officer of the Commonwealth in compiling or publishing reports, analyses or summaries relating to the general condition of the natural environment, nor shall anything herein prevent the disclosure of any record or other information to any agency or representative of the United States or to any subdivision of the Commonwealth for the purposes of administration or enforcement of any federal or local pollution control law. No such report, analysis or summary shall directly or indirectly, reveal information otherwise confidential under this section.

Section 21. A new section of KRS Chapter 224 is created to read as follows:

Notwithstanding any inconsistent provisions of law, whenever the commissioner finds, after investigation, that any person or combination of persons is causing, engaging in or maintaining a condition or activity which, in his judgment, presents an imminent danger to the health or welfare of the people of the state or results in or is likely to result in irreversible or irreparable damage to natural resources, and relates to the prevention and abatement powers of the commissioner and it therefore appears to be prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, the commissioner may, without prior hearing, order such person or combination of persons by notice, in writing wherever practicable or in such other form as in the commissioner's judgment will reasonably notify such person or combination of persons whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person or combination of persons shall immediately discontinue, abate or alleviate such condition or activity. As soon as possible thereafter, not to exceed ten days, the commis-

sioner shall provide the person or combination of persons an opportunity to be heard and to present proof that such condition or activity does not violate the provisions of this section. The commissioner shall adopt any other appropriate rules and regulations prescribing the procedure to be followed in the issuance of such orders. The commissioner shall immediately notify the Governor of any order issued pursuant to this section.

Section 22. A new section of KRS Chapter 224 is created to read as follows:

(1) Any person subject to any rule or regulation governing the emission or discharge of contaminants into the ambient air or waters of the Commonwealth promulgated by the department may apply for an exemption or partial exemption from such rule or regulation. The application shall be accompanied by such information and data as the department may require. The department may grant such an exemption or partial exemption if it finds that:

(a) The discharge occurring or proposed to occur does not or will not have a measurable impact on the quality of the ambient air or waters of the Commonwealth; and

(b) Compliance with the rules or regulations from which exemption is sought would produce serious hardship without equal or greater benefit to the public.

(2) Any person applying to the department for an exemption shall publish notice of his application in accordance with the rules and regulations of the department in at least one newspaper of general circulation in the county in which the emission or discharge sought to be exempted is located. The department shall promptly investigate the application, consider the relative interests of the applicant, other owners of property likely to be affected by the emission or discharge, and of the general public. If the department, in its discretion, concludes that a hearing should be held, or if any person files an objection to the granting of such exemption within thirty days from the date of the first publication of notice of the application, then a hearing shall be held in the manner prescribed by the rules and regulations of the department and the burden of proof shall be on the applicant for the exemption.

(3) No exemption or partial exemption pursuant to this section shall be granted for a period to exceed one year, but

any such exemption or partial exemption may be renewed for like periods if no complaint is made to the department on account thereof or if, such complaint having been made and duly considered at a hearing held by the department in the manner provided in subsection (2), the department finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty days prior to the expiration of the exemption or partial exemption. Immediately prior to application for renewal the applicant shall give public notice of such application in accordance with rules and regulations of the department. Any renewal pursuant to this subsection shall be on the same grounds and subject to the same limitations and requirements as provided in subsection (1) of this section.

(4) An exemption, partial exemption, or renewal thereof shall not be a right of the applicant or holder thereof but shall be in the discretion of the department.

(5) Nothing in this section and no exemption, partial exemption, or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of Section 21 of this Act to any person or his property.

(6) In granting or denying an exemption, partial exemption, or renewal thereof, the commissioner shall issue a written statement of the facts and reasons leading to the decision and make such statement a part of the record of the action on the application.

Section 23. A new section of KRS Chapter 224 is created to read as follows:

(1) In granting an exemption the department may impose such conditions as this Act may require. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of this Act or of the department regulations, the department shall condition the grant of such exemption upon the posting of sufficient performance bond or other security to assure the correction of such violation within the time prescribed.

(2) Any exemption granted pursuant to the provisions of this section shall be granted for such period of time, not exceeding one year, as shall be specified by the department at the time

of the grant of such exemption, and upon the condition that the person who receives such exemption shall make such periodic progress reports as the department shall specify. Such exemption may be extended from year to year by the department, but only if satisfactory progress has been shown.

Section 24. A new section of KRS Chapter 224 is created to read as follows:

(1) Whenever the department has reason to believe that a violation of any of the provisions of KRS Chapter 224 or any rule or regulation promulgated pursuant thereto has occurred it shall issue and serve upon the person complained against a written notice of the provision of KRS Chapter 224 or the rule or regulation alleged to have been violated and the facts alleged to constitute the violation thereof and shall require the person so complained against to answer the charges set out in the notice at a hearing before the department at a time not less than twenty-one days after the date of notice, except as provided in Section 21 of this Act.

(2) Any person not previously heard in connection with the issuance of any order or the making of any determination, including but not limited to the issuance, denial, modification, or revocation of any permit, by which he considers himself aggrieved may file with the department a petition alleging that such order or determination is contrary to law or fact and is injurious to him, alleging the grounds and reasons therefor, and demand a hearing. Unless the department considers that the petition is frivolous, it shall serve written notice of the petition on each person named therein and shall schedule a hearing before the department not less than twenty-one days after the date of such notice, except as provided in Section 21 of this Act. The right to demand a hearing pursuant to this section shall be limited to a period of thirty days after the petitioner has had actual notice of the order or determination complained of, or could reasonably have had such notice.

Section 25. A new section of KRS Chapter 224 is created to read as follows:

(1) All hearings under this Act shall be held before a qualified hearing officer, who may be a full-time employe of the department, serve by contract, or be paid on a per diem

basis in the discretion of the department. After the final conclusion of the hearing, the hearing officer shall make to the commissioner a report and recommended order which shall contain a finding of fact and a conclusion of law. The hearing officer shall serve a copy of his report and recommended order upon all parties of record to the proceeding, and they shall be granted the right to file within seven days of receipt exceptions thereto. The commissioner shall consider the report and recommended order and pass upon the case. The decision shall be served by mail upon all parties and shall be a final order of the department.

(2) Any party to a hearing under this subsection may be represented by counsel, may make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of such actions. The record of such hearing shall be open to public inspection, and copies thereof shall be made available to any person upon payment of the actual cost of reproducing the original except as provided in Section 20 of this Act.

(3) All hearings conducted pursuant to this Act shall be open to the public except as provided in Section 20 of this Act.

Section 26. A new section of KRS Chapter 224 is created to read as follows:

(1) Appeals may be taken from all orders of the Department of Environmental Protection. Such appeals shall be taken within thirty days from the rendition of such order to the Franklin Circuit Court. The party or parties affected by the order shall file in the circuit court a petition which states fully the grounds upon which a review is sought and assign all errors relied on. The department shall be named respondent, and service shall be had on the commissioner. Summons shall issue upon the petition directing the department to send its entire record, properly bound, to the clerk of the circuit court after certifying that such record is its entire original record or a true copy thereof, which shall be filed by the clerk of the circuit court and such record shall then become and be considered by the circuit court on the review. After the case has been properly docketed in the circuit court, any party directly affected by the issues on appeal, may, upon notice to the parties and upon proper showing and in the discretion of the court, be permitted to intervene. Upon hearing of the appeal the findings of the department

shall be prima facie evidence of the facts found therein. The court shall review the entire record and the findings and order of the board.

(2) Appeals to the Court of Appeals from orders of the circuit court, shall be taken in the manner provided in the Kentucky Rules of Civil Procedure.

Section 27. KRS 109.010 is amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Garbage" means all putrescible animal and vegetable waste.

(2) "Refuse" means all putrescible and nonputrescible solid waste (except body waste) including, but not limited to, combustible trash, paper, cartons, boxes, barrels, woods, and noncombustibles including, but not limited to, material, dirt, glass, crockery and other mineral waste.

(3) "Disposal method" means any incinerator, sanitary landfill, or other method approved by the *Department of Environmental Protection* [State Department of Health] for disposing of garbage and refuse.

(4) "Collection system" means a system for collecting garbage and refuse by whatever method, and transporting said garbage and refuse from its source to the disposal site.

(5) "Person" means any individual, public or private corporation, political subdivision, copartnership, association, firm, estate, or other entity whatsoever.

(6) "Department" means the *Department of Environmental Protection* [Kentucky State Health Department].

(7) "Board of directors" or "Board" means the governing body of the garbage and refuse district.

[(8) "Chief engineer" means the engineer of the Kentucky State Health Department designated to that position pursuant to the provisions of KRS Chapter 211 and the administrative orders of the department.]

Section 28. KRS 109.110 is amended to read as follows:

The commissioner [The chief engineer of the department] shall, in addition to his other duties, advise and assist all districts

in the performance of their duties under the provisions of this chapter and in accordance with the requirements of the department. [He shall be charged with other duties and services in relation thereto as the department may prescribe.]

Section 29. KRS Section 211.180 is amended to read as follows:

The department shall enforce the rules and regulations adopted by the board for the regulation and control of the matters set out below and shall formulate, promote, establish and execute policies, plans and programs relating to all matters of public health, including but not limited to the following matters:

(1) Detection, prevention, and control of communicable diseases, chronic and degenerative diseases, dental diseases and abnormalities, occupational diseases and health hazards peculiar to industry, home accidents and health hazards, animal diseases which are transmissible to man, and such other diseases and health hazards as may be controlled;

(2) The control of insects, rodents and other vectors of disease; the proper disposal of garbage, waste and other refuse; the safe installation and operation of plumbing and plumbing fixtures; [the safe disposal of human and other excreta;] the safe handling of food and food products; the safety of cosmetics; the control of narcotics, barbiturates and other drugs as provided by law; the purification of water for public and semipublic use; the proper construction and operation of public water purification plants and distribution systems, swimming pools; [and sewage treatment plants, including the issuance of permits to and the supervision of operators thereof;] the sanitation of schools, industrial establishments and other public and semipublic buildings; the sanitation of state and county fairs and other similar public gatherings; the sanitation of public and semipublic recreational areas; the sanitation of public rest rooms, trailer courts, hotels, tourist courts, and other establishments furnishing public sleeping accommodations; the review, approval or disapproval of plans for construction, modification or extension of food-handling establishment, water purification and distribution systems, swimming pools, [sewage treatment plants] and such other establishments, systems, plants and places as are designated by the board; the

licensure of hospitals; and the control of such other factors as may be necessary to insure a safe and sanitary environment;

(3) Protection and improvement of the health of expectant mothers, infants, preschool and school age children;

(4) The practice of midwifery, including the issuance of permits to and supervision of women who practice midwifery;

(5) Protection and improvement of the health of the people through better nutrition.

Section 30. KRS 220.020 is amended to read as follows:

The *Commissioner of Environmental Protection* [director of the Division of Sanitary Engineering of the Department of Health] shall, in addition to his other duties, act as commissioner of sanitation districts, and is vested with jurisdiction, power and authority, when the conditions set forth in KRS 220.010 to 220.520 and certified to by the county board of health are found to exist, to establish sanitation districts within any county of the Commonwealth.

Section 31. KRS 220.210 is amended to read as follows:

[(1)] [The chief engineer shall be a registered professional engineer under the laws of this state, and may be an individual, partnership or corporation. Before a chief engineer may be employed his qualifications must be approved in writing by the State Board of Health.]

[(2)] The chief engineer shall be superintendent of all the works and improvements, and shall make a full report to the board of directors each year, or oftener if required. He shall make such suggestions and recommendations to the board as he deems proper, and shall advise the board concerning matters pertaining to engineering, design, construction and operation of the sanitation system and district. A copy of his reports shall also be filed with the commissioner of sanitation districts.

Section 32. KRS 220.240 is amended to read as follows:

Upon the completion of the plan the board of directors shall submit it to the *Department of Environmental Protection* [State Board of Health] for approval. If the *Department of Environmental Protection* [State Board of Health] refers the plan back for amendment, the board of directors shall prepare and submit

an amended plan. If the *Department of Environmental Protection* [State Board of Health] rejects the plan, the board of directors shall proceed as provided in KRS 220.220 to prepare another plan. If the *Department of Environmental Protection* [State Board of Health] approves the plan, a copy of the action of the *Department of Environmental Protection* [State Board of Health] shall be filed with the secretary of the board of directors and by him incorporated into the records of the district.

Section 33. KRS 220.250 is amended to read as follows:

Upon the approval of the official plan by the *Department of Environmental Protection* [State Board of Health] the board of directors shall pass a resolution accepting the official plan as final and fixing all financing, taxes and rentals as authorized by KRS 220.010 to 220.520 necessary for the construction, maintenance, and operation required to place the plan in effect. After final resolutions are passed fixing the rates and rentals, no alterations of the plan shall be made except as provided herein and as approved by the *Department of Environmental Protection* [State Board of Health].

Section 34. KRS 220.260 is amended to read as follows:

After the establishment of the district and the organization of the board of directors, no person or public corporation shall install within the district any laterals, trunk lines, interceptors for the collection or discharge of sewage or other liquid waste, treatment or disposal works, until the plans therefor have been submitted to and approved by the board of directors of the district and the *Department of Environmental Protection* [State Board of Health]. Any installation contrary to the provisions of this section shall constitute a nuisance and shall be abated by injunction upon proper application by anyone aggrieved, including the district, the commissioner, the *Department of Environmental Protection* [State Board of Health, or the county board of health].

Section 35. KRS 220.320 is amended to read as follows:

Where necessary in order to secure the best results from the construction operation and maintenance of the works and improvements of the district or construction subdistricts and to prevent their damage from misuse, the board of directors may

make and enforce regulations pertaining to the use by persons and public corporations of the works and improvements of the district or construction subdistricts. Such regulations may prescribe the design, construction and use of sewers within the district or construction subdistricts and the manner in which connections to laterals, trunk sewers, intercepting sewers and to other works of the district or construction subdistricts shall be made, may prevent the unnecessary pollution of any watercourse or supply within the districts or construction subdistricts and may prohibit the discharge into such sewers of any wastes deemed detrimental to the works and improvements of the district or construction subdistricts. Such regulation shall have no effect until approved by the *Department of Environmental Protection* [State Board of Health]. The board may recover by civil action from any person or public corporation violating such regulations, a sum not less than one hundred dollars nor more than one thousand dollars for each offense, together with costs. The directors may enforce by mandamus or otherwise all necessary and authorized regulations made by them, and may remove any improper construction or close any connections made improperly or in violation of the regulations. Any person or public corporation willfully failing to comply with the regulations shall be liable for damages caused by such failure and for the cost of renewing any construction damaged or destroyed.

Section 36. KRS 220.510 is amended to read as follows:

(1) The board of directors shall, by resolution, determine the rates and compensation or rentals to be charged for the use of the sanitary works. The board of directors may provide for a sewer service charge to be imposed and collected, beginning at the time the plan for the improvement has been approved by the *Department of Environmental Protection* [State Board of Health] and work is begun on plans and specifications for the improvement. The rates shall at all times be reasonable, taking into account the cost of the works, the cost of operation and maintenance, and the amount necessary for the amortization of the bonds issued to finance the works. The same schedule of rates and charges shall apply to all users of the same class. The rates shall be binding upon all users of the system. The board may alter and revise the rates in its discretion. In case of failure of any user to pay for services rendered, the

board may compel payment and may enjoin further use until the payment is made, or it may institute an action in any court having jurisdiction for the recovery of charges for services rendered, or the board, may, by a notice in writing, signed by its chairman or any member of said board, notify the municipality, or person, firm, or corporation which furnishes water to the user's premises, to shut off the water service to said user's premises, until such time as all delinquent charges, plus a reasonable charge for turning off and on the water service, against said user, are paid in full. Upon receipt of such notice in writing, the municipality, or the person, firm or corporation, which furnishes water to the said user's premises shall immediately shut off and discontinue the water service to the said user's premises. Upon full payment of such account, plus a reasonable charge for turning off and on the water service, the chairman, or any member of said board, shall notify the said municipality, person, firm or corporation, which furnishes water to said user, that the account is paid in full, including such reasonable charge for turning off and on the water service, and that the said water service can again be provided to said user's premises. The board of directors shall promptly pay to such municipality, person, firm or corporation, such fee or charge collected for turning off and on such water service. The board may enter into contracts with public corporations or other large users of sewer services. The board may provide by resolution any provisions and stipulations it deems necessary for the administration of the revenue of the district, and for the security of the bondholders.

(2) No monies received on account of the existence or operation of construction subdistricts shall be used for the payment of district obligations, and no other monies received by the district shall be used for the payment of construction subdistrict bonds or obligations. Except as provided in the preceding sentence the use of all monies of the district received from any and all sources is hereby limited exclusively and shall be devoted solely to the payment of all obligations of the district and board created by KRS 220.010 to 220.540, and no funds from any sources authorized by KRS 220.010 to 220.540 shall be diverted to any other purposes than those in KRS 220.010 to 220.540 set forth, except that the district shall pay from district area revenues an equitably allocable share of the cost of con-

structing and operating any nondistrict area facilities to which sewage from the district area is diverted in order to relieve district facilities from excessive sewage and costs described in KRS 220.561 but otherwise paid for.

Section 37. KRS 223.160 is amended to read as follows:

It is the intent of KRS 223.160 to 223.220 and 223.991 that every operator in responsible charge of a water treatment plant[,] *or* water distribution system[, and sewage treatment plant] be required to hold a valid and effective certificate of competency issued by the State Department of Health in a class equal to or higher than the class of the particular treatment plant or distribution system where he is currently employed in order to protect the public health. Operators other than those in responsible charge of such facilities shall also be eligible to apply for certification.

Section 38. KRS 223.170 is amended to read as follows:

The State Department of Health shall certify persons as to their qualifications to supervise successfully the operation of water treatment plants[,] *or* water distribution systems[, and sewage treatment plants] after considering the recommendations of a Board of Certification which shall be appointed by the Commissioner of Health. The board shall consist of the following: two members who are currently employed as water works operators holding valid certificates; [two members who are currently employed as sewage treatment plant operators holding valid certificates;] one member employed by a municipality who holds the position of either city manager, city engineer, director of public works, or the equivalent thereof; one member who is a faculty member of a college, university, or professional school whose major field is related to water supply [and sewage treatment]; and one ex officio member representing the State Department of Health. Board members shall serve for a four year term or until their successors are appointed and qualify. The State Health Department representative shall serve as executive secretary and treasurer of the board and be responsible for maintaining records. The members of the board shall serve without compensation, but may be reimbursed for all actual and necessary expenses incurred while discharging their official duties.

Section 39. KRS 223.180 is amended to read as follows:

The State Department of Health shall classify all water treatment plant[,] *and* water distribution systems[, and sewage treatment plants] with due regard to size, type, physical conditions affecting such treatment plants and distribution systems, and according to the skill, knowledge and experience that the operator must have to supervise successfully the operation of such water treatment plants[,] *and* water distribution systems[, and sewage treatment plants] so as to protect the public health.

Section 40. KRS 223.190 is amended to read as follows:

[One year following June 16, 1966, all] *All* water treatment plants[,] *and* water distribution systems, [and sewage treatment plants,] whether publicly or privately owned, shall be under the supervision of an operator whose competency is certified to by the State Department of Health in a grade corresponding to the classification of the water supply system [or sewage treatment plant] to be supervised. All operators holding valid and effective certificates issued under existing regulations of the State Board of Health on June 16, 1966 may, within the discretion of the State Department of Health, be issued new certificates without examination for any appropriate new classifications that may be established by the regulations adopted hereunder or such certificates may be continued in effect.

Section 41. KRS 223.200 is amended to read as follows:

(1) The State Board of Health, with the advice of the Board of Certification, shall adopt rules and regulations as are reasonably necessary to carry out the intent of KRS 223.160 to 223.220 and 223.991. The rules and regulations may include, but are not limited to, provisions establishing standards for classification of water treatment plants[,] *and* water distribution systems, [and sewage treatment plants,] provisions establishing qualifications of applicants and procedures for examination of candidates, membership, and duties of the Board of Certification, provisions relating to the renewal, cancellation or revocation of certificates, including the specifications of the grounds therefor, and such other provisions as are necessary for the administration of KRS 223.160 to 223.220 and 223.991.

(2) All rules and regulations heretofore adopted by the State Board of Health relating to the certification of operators

of water treatment plants[,] *and* water distribution systems[, and sewage treatment plants] and on file with the Legislative Research Commission on June 16, 1966 are hereby declared to be in full force and effect until otherwise amended or repealed.

Section 42. KRS 223.210 is amended to read as follows:

[On and after one year following June 16, 1966 it] *It* shall be unlawful for any person, firm, or corporation, (municipal or private) to operate a water treatment plant[,] *or* water distribution system [or sewage treatment plant] unless the competency of the operator who is in direct responsible charge is duly certified to by the State Department of Health under the provisions of KRS 223.160 to 223.220 and 223.991. It shall be unlawful for any person to perform the duties of an operator, in direct responsible charge, without being duly certified under the provisions of KRS 223.160 to 223.220 and 223.991. The State Department of Health may, however, issue provisional certificates for emergency situations.

Section 43. KRS 224.100 is amended to read as follows:

KRS 224.010 to 224.060, 224.080 and 224.100 *and the provisions of this Act* shall not be construed as repealing any of the laws of the Commonwealth relating to the pollution of the waters thereof or any conservation laws, but shall be held and construed as ancillary and supplementary thereto, except to the extent that the same may be in direct conflict with KRS 224.010 to 224.060, 224.080 or 224.100 *and the provisions of this Act.*

Section 44. KRS 224.110 is amended to read as follows:

Where the injury, death, or destruction of fish or other wildlife results from pollution as defined in *Section 1 of this Act* [KRS 224.010] or from any violation of the orders, rules, regulations, or other determinations of the commission, the person responsible therefor shall be liable to the Commonwealth in an amount reasonably necessary to restock or replenish such fish or wildlife. The Commonwealth shall, in addition to the penalties provided for in *Section 92 of this Act* [KRS 224.990], be empowered to seek the recovery of such damages in any court of competent jurisdiction in this Commonwealth in the event the person responsible fails or refuses to pay for the restocking or replenishing of such fish or wildlife in the water or area affected.

Section 45. KRS 224.120 is amended to read as follows:

All monies collected by the *department* [commission], or the Attorney General on its behalf, under the provisions of KRS *Chapter 224* [224.010 to 224.060, 224.080 and 224.100] shall be paid into the State Treasury and credited to *the General Expenditure Fund.* [a trust and agency fund to be used by the commission in carrying out the provisions of this chapter. No part of this fund shall revert to the general fund of the Commonwealth.]

Section 46. KRS 224.130 is amended to read as follows:

Any corporation authorized to do business in this state and organized for the purpose of constructing, maintaining and operating sewer lines and sewerage treatment facilities may, if it is unable to contract or agree with the owner after a good faith effort to do so, condemn rights-of-way necessary for constructing, maintaining and operating its pipelines and, if necessary, pumping stations; and the necessary ingress and egress to examine, alter, repair and maintain such pipelines. The condemnation proceedings shall be conducted in the manner provided in KRS 416.230 to 416.310. Provided, however, that before any corporation shall be authorized to use the provisions of this section, it shall have presented plans and specifications to the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] and received from said *department* [commission] a permit to operate and maintain said sewage treatment facilities together with an approval of the discharge of the treated effluent from said facilities to a specific point of the waters of this Commonwealth. Provided, further, that any person wishing to object to a pipeline or plant location subject to the provisions of this section shall have the right to have his objections heard by said *department* [commission] pursuant to the provisions of KRS 224.080.

Section 47. KRS Section 224.205 is amended to read as follows:

(1) A three-member Interstate Water Sanitation Board is established. The members of the board shall serve as Kentucky's members of interstate water sanitation control commissions created by compacts to which Kentucky is a party, which compacts

are composed of states forming a river basin, and which compacts require a three member representation from each state. The Governor shall appoint two of the board members, each of whom shall be a resident and citizen of this state. Two of the members shall be appointed for terms of four years each, and shall hold office until their successors are appointed and qualified, subject to removal at the pleasure of the Governor. The Commissioner of *Environmental Protection* [Health] shall, ex officio, be the third member of the board. Except as otherwise provided by the respective compacts, the ex officio member may delegate to any deputy or other subordinate in his department the power to be present and participate, including the right to vote, as his representative or substitute at any meeting, hearing or other proceeding of the commissions.

(2) The membership of the first interstate Water Sanitation Board shall be composed of the membership of the Ohio River Valley Water Sanitation Commission existing on June 19, 1958, and the terms of the appointed members shall be effective from the date of their appointment to the Ohio River Valley Water Sanitation Commission.

Section 48. KRS 224.340 is amended to read as follows:

In exercising the power conferred upon it by this chapter the *Department of Environmental Protection* [commission] shall give due recognition to the policy as heretofore expressed in KRS 224.320. The *department* [commission] in fixing standards, shall require the use of all available, practical, and reasonable methods to prevent and control air pollution in the Commonwealth of Kentucky. It shall give due recognition to the quantity of characteristics of air contaminants or the duration of their presence in the atmosphere. It shall take into consideration in this connection such factors, among others, found by it to be proper and just, existing physical conditions, public benefit, that the degree of conformance therewith that may be proper as to an essentially residential area of the state may not be proper as to a highly industrial area of the state, and, further, the relationship between the intensity and composition of air pollution and the health of the public and damage to or interference with enjoyment of property. It shall give reasonable consideration to the interests of all parties concerned.

Section 49. KRS 224.450 is amended to read as follows:

(1) Each county which pursuant to the provisions of KRS Chapter 77 has established or subsequent to the enactment of KRS 224.310 to 224.460 and 224.991 will establish a local Air Pollution Control Program, shall submit a synopsis of said program together with such standards and procedures as are enacted by regulations to the [state] department for approval within a period of ninety days from the enactment hereof, or a period of ninety days of the establishment of said local program.

(2) If after review by the *department* [commission,] and a public hearing held in the county activating a district, the *department* [commission] determines that the air pollution control district has adopted standards and procedures and has the necessary staff to implement the program in a manner consistent with the objectives of *this Act and* KRS 224.310 to 224.460 and 224.991, concurrent jurisdiction may be granted the air pollution control district for the administration and enforcement of the aforesaid statutes. The air pollution control district shall adopt no regulation or standard less stringent than a regulation or standard adopted by the *department* [commission, except that standards and regulations for carriers engaged in intrastate and interstate commerce shall be not more stringent than those adopted by the commission] and shall submit prepared regulations and standards to the *department* [commission] for prior concurrence. Periodic reports shall be made to the *department and to the* commission as shall be provided for by regulation. If the *department* [commission] shall determine, after hearing with notice, that a district program is not being administered in accordance with the statutes and regulations of the *department* [commission] or the district, the grant of authority may be suspended, revoked, or modified by order of the *department* [commission].

(3) This provision shall in no way diminish the authority of the *department* [commission] to administer and enforce the provisions of *this Act and* KRS 224.310 to 224.460 and 224.991.

(4) The *department* [commission] shall be empowered to enforce any and all regulations or standards in any district when concurrent jurisdiction is granted.

(5) When enforcement actions are taken by the district, the local Commonwealth's, county, and city prosecuting attor-

neys, instead of the Attorney General shall prosecute such actions.

Section 50. KRS 224.515 is amended to read as follows:

Pursuant to Article III of the compact set forth in KRS 224.510, the Governor shall appoint *four* [three] commissioners in addition to the Commissioner of *Environmental Protection* [Health and the officer in charge of air pollution control,] as members of the interstate air pollution control commission. The commissioners shall promulgate rules and regulations to carry out more effectively the terms of the compact. The commissioners shall cooperate with all departments, agencies, and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact and all such departments, agencies, and officers shall cooperate with the commissioners.

Section 51. KRS 224.520 is amended to read as follows:

Any payments necessary to discharge any financial obligations imposed upon the State of Kentucky by the compact, as provided in KRS 224.510, shall be made from the general fund appropriations to the Interstate Air Pollution Control Commission upon presentation to the Department of Finance of itemized vouchers signed by the *Commissioner of Environmental Protection* [executive director of the commisison].

Section 52. KRS 235.420 is amended to read as follows:

No person shall discharge or permit the discharge of sewage, industrial wastes or other wastes to the waters of the Commonwealth from any vessel except as specifically authorized by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission].

Section 53. KRS 235.430 is amended to read as follows:

No person shall dispose of sewage accumulated in a holding tank or other similar container on a vessel in such manner that the sewage reaches or may reach the waters of the Commonwealth except through a disposal system or treatment works approved by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission].

Section 54. KRS 235.440 is amended to read as follows:

No motorboat equipped with marine toilet facilities shall be operated on the waters of the Commonwealth unless such motorboat is equipped with a water pollution control device of one of the following types:

(1) Holding tanks. Holding tanks approved for use as water pollution control devices shall meet the following criteria:

(a) Be so constructed and installed as to provide for discharge of its contents only by pumping and to eliminate discharges by gravity flow;

(b) Be constructed of materials capable of withstanding the corrosive effects of sewage and odor inhibitors;

(c) Be vented so as to prevent the escape of gases and odors to motorboat interiors.

(2) Incinerators. Incinerators approved for use as water pollution control devices shall meet the following criteria:

(a) Be so designed and constructed as to reduce sewage completely to an inert ash and provide a satisfactory means of ash removal;

(b) Be vented so as to prevent the escape of gases and odors to motorboat interiors and otherwise minimize the presence of objectionable conditions. Forced air ventilation must be provided for use at all times during the incineration operating cycle;

(c) Provide safeguards to minimize the dangers of shock or explosion from operation of the unit.

(3) Devices with effluent discharges. Types of water pollution control devices providing for discharges of treated sewage to the waters of the Commonwealth shall be approved or disapproved on an individual basis by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission]. In approving or disapproving such types of devices the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] shall consider whether the quality of performance of the type of device has been certified by the National Sanitation Foundation or a comparable national testing agency approved by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] as meeting its criteria, and the *Department of Environmental Protection* [Ken-

tucky Water Pollution Control Commission] shall consider such other factors as it deems appropriate to prevent and abate water pollution.

All water pollution control devices approved for use on motorboats with marine toilet facilities shall be maintained in satisfactory working condition at all times that the motorboat is in operation.

Section 55. KRS 235.450 is amended to read as follows:

For the purposes of KRS 235.440, a motorboat shall not be deemed to be equipped with marine toilet facilities if the facilities are rendered inoperable in a manner approved by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission].

Section 56. KRS 235.460 is amended to read as follows:

The *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] shall, upon request, furnish interested persons a list of the approved types of water pollution control devices currently available and acceptable for use on motorboats on the waters of the Commonwealth.

Section 57. KRS 235.470 is amended to read as follows:

The *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] shall issue such regulations and standards and approve such equipment as may be necessary for the proper enforcement of the provisions of KRS 235.410 to 235.470.

Section 58. KRS 350.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Strip mining" means *the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when*

conducted solely in aid of on-site farming or construction. [all or any part of the process followed in the production of coal by the open pit or open cut method, the auger method, highwall mining method which requires a new cut or removal of overburden, or any other mining method or process in which the strata or overburden is removed or displaced in order to recover the coal, or in which the overburden is removed for the purpose of determining the location, quality or quantity of a natural coal deposit;]

(2) "Overburden" means all of the earth and other materials which lie above a natural deposit of coal and also means such earth and other material after removal from their natural state in the process of strip mining;

(3) "Area of land affected" means the area of land from which overburden is to be or has been removed and upon which the overburden is to be or has been deposited and shall include all lands affected by the construction of new roads or the improvement or use of existing roads other than public roads, to gain access and to haul coal;

(4) "Operation" means all of the premises, facilities, roads and equipment used in the process of producing coal from a designated strip mine area or removing overburden for the purpose of determining the location, quality or quantity of a natural coal deposit;

(5) "Method of operation" means the method or manner by which the cut or open pit is made, the overburden is placed or handled, water is controlled and other acts are performed by the operator in the process of uncovering and removing the coal;

(6) "Operator" means any person, partnership or corporation engaged in strip mining who removes or intends to remove more than one hundred tons of coal from the earth by strip mining within twelve successive calendar months or who removes overburden for the purpose of determining the location, quality or quantity of a natural coal deposit;

(7) "Person" means any persons, partnership or corporation;

(8) "Division" means the Division of Reclamation;

(9) "Director" means the Director of the Division of Reclamation of the Department of *Environmental Protection* [Natural Resources];

(10) "Department" means the Department of Environmental Protection;

[(10) "Commission" means the Reclamation Commission;]

(11) "Reclamation" means the reconditioning of the area of land affected by strip mining under a plan approved by the division;

(12) "Degree" when used in this chapter shall mean from the horizontal, and in each case shall be subject to a tolerance of five percent of error;

(13) "Bench" means the ledge, shelf or terrace formed in the contour method of strip mining;

(14) "Fill bench" means that portion of the bench which is formed by depositing overburden beyond the cut section.

Section 59. KRS 350.020 is amended to read as follows:

The General Assembly finds that the unregulated strip mining of coal causes soil erosion, damage from rolling stones and overburden, landslides, stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increases the likelihood of floods, destroys the value of land for agricultural purposes, destroys aesthetic values, counteracts efforts for the conservation of soil, water and other natural resources, destroys or impairs the property rights of citizens, creates fire hazards, and in general creates hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The General Assembly further finds that lands that have been subjected to strip mining and have not been reclaimed and rehabilitated in accordance with modern standards constitute the aforementioned perils to the welfare of the Commonwealth. The General Assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of the strip mining of coal due primarily to difference in topographical and geological conditions, and by reason thereof it is necessary, in order to provide the most effective, beneficial and equitable solution to

the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the General Assembly. Therefore, it is the purpose of this chapter to provide such regulation and control of the strip mining of coal as to minimize or prevent its injurious effects on the people and resources of the Commonwealth. To that end, the division and *the department* [commission] are directed to rigidly enforce this chapter and to adopt whatever regulations are found necessary to accomplish the purpose of this chapter.

Section 60. KRS 350.028 is amended to read as follows:

The *Department of Environmental Protection* [Reclamation Commission] shall have and exercise the following authority and powers:

(1) To adopt *in the manner prescribed in Sections 3(16) and 5(5) and (6) of this Act*[, after giving notice to all operators actively engaged in strip mining and affording them an opportunity to appear and offer evidence at a public hearing, general] rules and regulations pertaining to strip mining to accomplish the purposes of this chapter;

[(2) To adopt, without hearings, rules and regulations with respect to procedural aspects of commission hearings;]

(2) [(3)] To conduct *investigations and* hearings under provisions of this chapter *and KRS Chapter 224* or regulations adopted *pursuant thereto.* [by the commission and for the purpose of any investigation or hearing, the commission, or any member thereof may administer oaths or affirmations, subpoena witnesses, compel their attendance, take evidence and require production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commission deems relevant or material to the inquiry;]

(3) [(4)] To issue after hearing, orders requiring an operator to adopt such remedial measures as are necessary to comply with this chapter and regulations adopted pursuant thereto;

(4) [(5)] To issue after a hearing, a final order directing the division to revoke a permit, when the requirements set forth by the notice of noncompliance, order of suspension, or an order of the *department* [commission] requiring remedial

measures have not been complied with according to the terms therein.

Section 61. KRS 350.029 is amended to read as follows:

The *department* [Reclamation Commission] is hereby authorized and empowered to adopt, after public hearing, reasonable regulations in order to formulate and establish effective programs for the control of surface soil disturbance in connection with mining as defined by the Interstate Mining Compact. Such regulations shall follow the general standards established in Article III of the Interstate Mining Compact. The *department* [Reclamation Commission] shall have the authority to adopt such regulations prior to the effective date of the Interstate Mining Compact and irrespective of whether the State becomes a member or withdraws from membership in the Interstate Mining Compact. Nothing in this section shall be construed to grant the *department* [Reclamation Commission] additional authority in regulating the strip mining of coal or clay, and the authority granted to the *department* [Reclamation Commission] by this section shall be separate from the powers of the *department* [Commission] already enacted relating to the strip mining of coal and clay.

Section 62. KRS 350.032 is amended to read as follows:

(1) In case of refusal to obey a subpoena issued to any person, the Franklin Circuit Court, upon application by the *department* [commission], may issue to that person an order requiring him to appear before the *department* [commission], there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

(2) Any person aggrieved by a final order of the *department* [commission] may obtain a review of the order by filing in the Franklin Circuit Court, within *thirty* [sixty] days after the entry of the order, a written petition praying that the order be modified or set aside in whole or in part. A copy of the petition shall be forthwith served upon the *department* [commission], and thereupon the *department* [commission] shall certify and file in court a copy of the record before the *department* [commission], including therein all pleadings, orders, documentary exhibits and the stenographic transcript of the testi-

mony taken before the *department* [commission]. When these have been filed, the court shall have exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part. No objection to the order may be considered by the court unless it was urged before the *department* [commission] or there were reasonable grounds for failure to do so. The findings of the *department* [commission] as to the facts, if supported by substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for failure to adduce the evidence in the hearings before the *department* [commission], the court may order that additional evidence be taken before the *department* [commission] in such manner and upon such condition as the court may consider proper. The *department* [commission] may modify its findings as to the facts, by reason of the additional evidence so taken; and it shall file any modified or new findings with the court, which if supported by substantial evidence shall be conclusive, and any recommendation for the modification or setting aside of the original order. The commencement of the proceedings under this section does not, unless specifically ordered by the court, operate as a stay of the *department's* [commission's] order. An appeal may be taken from the judgment of the Franklin Circuit Court to the Court of Appeals on the same terms and conditions as an appeal is taken in any civil action.

Section 63. KRS 350.035 is amended to read as follows:

The Director of the Division of Reclamation shall be appointed by the Commissioner of *Environmental Protection* [Natural Resources] in accordance with KRS 12.050.

Section 64. KRS 350.050 is amended to read as follows:

The Division of Reclamation of the Department of *Environmental Protection* [Natural Resources] under the supervision of the Commissioner of *Environmental Protection* [Natural Resources] shall have and exercise the following authority and powers:

(1) To exercise general supervision and administration and enforcement of this chapter and all rules and regulations and orders promulgated thereunder;

(2) To encourage and conduct investigations, research, experiments and demonstrations, and to collect and disseminate information relating to strip mining and reclamation of lands and waters affected by strip mining;

(3) To adopt, without hearing, rules and regulations with respect to the filing of reports, the issuance of permits and other matters of procedure and administration;

(4) To examine and pass upon all plans and specifications submitted by the operator for the method of operation, backfilling, grading and for the reclamation of the area of land affected by his operation;

(5) To make investigations or inspections which may be deemed necessary to insure compliance with any provision of this chapter;

(6) To order, through personnel of the division, the suspension of any permit for failure to comply with any of the provisions of this chapter or any regulations adopted pursuant thereto;

(7) To order, through personnel of the division, the stopping of any operation that is started without first having secured a permit as required by this chapter.

Section 65. KRS 350.060 is amended to read as follows:

(1) No operator shall engage in strip mining without having first obtained from the *department through the* division a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one year from the date of its issuance;

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area within five hundred feet of any part of the affected area;

(c) The owner or owners of the coal, to be mined;

(d) The source of the applicant's legal right to mine the coal on the land affected by the permit;

(e) The permanent and temporary post office addresses of the applicant;

(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;

(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) if known, ten percent or more of any class of stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

(3) The application for a permit shall be accompanied by two copies of a United States Geological Survey topographic map on which the operator has indicated the location of the operation, the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map;

(4) The application for a permit shall be accompanied by two copies of an enlarged United States Geological Survey topographic map meeting the requirements of the subsections below. The map shall:

(a) Be prepared and certified by a professional engineer, registered under the provision of KRS Chapter 322. The certification shall be in the form as provided in subsection (5) below;

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining and the boundaries of surface properties and names of owners on the affected area and within five hundred feet of any part of the affected area;

(d) Be of a scale of not less than four hundred feet to the inch and not to exceed six hundred and sixty feet to the inch;

(e) Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land affected and within five hundred feet of such area;

(f) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north point and the quadrangle name;

(h) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge;

(5) The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the strip mining laws of this state." The certification shall be signed and notarized. The division may reject any map as incomplete if its accuracy is not so attested;

(6) In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto;

(7) A basic fee of *one hundred and fifty dollars plus thirty-five dollars* [fifty dollars plus twenty-five dollars] for each acre or fraction thereof of the area of land to be affected by the operation shall be paid before the permit required herein shall be issued. The operator shall file with the division a bond payable to the Commonwealth of Kentucky with surety satisfactory to the division in the penal sum to be determined by the *department* [commission] on the recommendation of the director of not less than *two* [one] hundred dollars nor more than *one thousand* [five hundred] dollars for each acre or fraction thereof of the area of land affected, with a minimum bond of two thousand dollars, conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the *department* [commission]. In determining the amount of the bond within the above limits, the *department*

[commission] shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of backfilling, grading and reclamation to be required. In a particular instance where the circumstances are such as to warrant an exception, the *department* [Commission], in its discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

Section 66. KRS 350.080 is amended to read as follows:

An operator may conduct other mining operations from premises covered by a strip mining permit with approval of the *department* [commission], subject to the provisions of KRS Chapter 351 and 352. In applying to the *department* [commission] for such approval, he shall furnish the *department* [commission] with a revised copy of the map of the area on which his permit was based on which he shall designate other mining locations, the location of outside haulageways and other parts of the area necessary to the conduct of other mining operations. The *department* [commission] may authorize the operator to defer the reclamation of the area covered by such operations during such time as other bona fide mining operations are carried out. The bond covering that area shall remain in effect until reclamation of it has been completed by the operator under a plan approved by the *department* [commission].

Section 67. KRS 350.085 is amended to read as follows:

(1) No application for a permit shall be approved by the division if there is found on the basis of the information set forth in the application that the requirements of this chapter or regulations will not be observed or that there is not probable cause to believe that the proposed method of operation, backfilling, grading or reclamation of the affected area can be carried out consistent with the purpose of this chapter;

(2) If the division finds that the overburden on any part of the area of land described in the application for a permit is such that experience in the Commonwealth with a similar type of operation upon land with similar overburden shows that substantial deposition of sediment in stream beds, landslides or acid water pollution cannot feasibly be prevented, the division may delete such part of the land described in the application upon which such overburden exists;

(3) If the division finds that the operation will constitute a hazard to a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake or other public property, the division shall delete such areas from the permit application before it can be approved;

(4) The division shall not give approval to strip mine any area which is within one hundred feet of any public road, stream, lake or other public property and shall not approve the application for a permit where the strip mining operation will adversely affect a state, national or interstate park unless adequate screening and other measures as approved by the *department* [commission] are incorporated into the permit application.

Section 68. KRS 350.090 is amended to read as follows:

(1) Under the provisions of this chapter and regulations adopted by the *department* [commission], an operator shall prepare and carry out a method of operation, plan of grading and backfilling and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and the plans of backfilling, grading and reclamation, all measures shall be taken to eliminate damages to members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, rolling stones and overburden, water pollution and hazards dangerous to life and property. The plan shall be submitted to the division and the division shall notify the applicant by registered mail within twenty working days after receipt of the plans and complete application if it is or is not acceptable. If the plan is not acceptable, the division shall set forth the reasons for which the plan is not acceptable and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the division, he may, by written notice, request a hearing *conducted by the department in the manner provided by Section 25 of this Act* [by the commission]. The *department* [commission] shall notify the applicant by registered mail within twenty days after the hearing of its decision. Any person aggrieved by a final order of the *department* [commission] may appeal through the courts as set forth in *Section 26 of this Act* [KRS 350.032];

(2) In addition to the method of operation, grading, backfilling and reclamation requirements of this chapter and regula-

tions adopted pursuant thereto, the operator, consistent with the directives of subsection (1) above, shall be required to perform the following:

(a) Cover the face of the coal with compacted nonacid bearing and nontoxic materials to a distance of at least four feet above the seam being strip mined or by a permanent water impoundment;

(b) Bury under adequate fill all toxic materials, roof, coal, pyritic coal or shale determined by the division to be acid producing, toxic, or creating a fire hazard;

(c) Seal off, as directed by regulations, any break through of acid water creating a hazard;

(d) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters;

(e) Remove or bury all metal, lumber, and other refuse resulting from the operation;

(3) No operator shall throw, dump, pile or permit the dumping, piling or throwing or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060 or place such materials herein described in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.

Section 69. KRS 350.093 is amended to read as follows:

(1) On lands where the method of operation does not produce a bench (area strip mining), complete backfilling shall be required, beginning at or beyond the top of the highwall and sloped to the toe of the spoil bank at a maximum angle not to exceed the approximate original contour of the land with no depressions to accumulate water. Such backfilling shall eliminate all highwalls and spoil peaks. Whenever directed by the division, the operator shall construct in the final grading, such diversion ditches or terraces as will control the water runoff on long un-

interrupted slopes. Additional restoration work may be required by the division according to regulations adopted by the *department* [commission].

(2) On lands where the method of operation produces a bench (contour strip mining), terrace backfilling shall be required and performed as follows:

(a) All highwalls must be reduced or backfilled. The steepest slope of the reduced or backfilled highwall and of the outer slope of the fill bench shall be no greater than forty-five degrees from the horizontal; provided, however, if the highwall is composed of solid rock and sufficient soil is not available to backfill or cover the solid rock suitable to establish vegetative cover, the *department* [commission], by regulation, may make modifications to the requirements of this section;

(b) The table portion of the restored area shall be a terrace with a slope toward the reduced highwall of not greater than ten degrees;

(c) The restored area shall have a minimum depth of four feet of fill over the floor of the pit from which the coal has been removed;

(d) There shall be no depressions to accumulate water but lateral drainage ditches connecting to natural or constructed waterways shall be constructed whenever directed by the division;

(e) Additional restoration work may be required by the division according to regulations adopted by the *department* [commission];

(f) In addition to the backfilling and grading requirements above, the operator's method of operation on steep slopes may be regulated and controlled according to regulations adopted by the *department* [commission]. Such regulations may limit bench widths, control the amount of overburden to be placed beyond the solid bench, prohibit any overburden from being placed beyond the solid bench on precipitous slopes as defined by the *department* [commission], or require any measure whatsoever to accomplish the purpose of this chapter.

(3) An operator may propose alternative plans other than backfilling where a water impoundment is desired, if such restoration will be consistent with the purpose of this chapter.

Such plans are to be submitted to the division, and if such plans are approved by the *department* [Reclamation Commission] and complied with within the time limits as may be determined by the *department* [commission] as being reasonable for carrying out such plans, the backfilling requirements of this chapter may be modified by the *department* [commission].

(4) As determined by regulations of the *department* [commission], time limits shall be established requiring backfilling, grading and planting to be kept current. All backfilling and grading shall be completed before necessary equipment is moved from the operation.

(5) If the operator or other person desires to conduct drift mining upon the premises or use the openings for haulageways or other lawful purposes, the operator may designate locations to be used for such purposes at which places it will not be necessary to backfill as herein provided for until such drift mining or other use is completed, during which time the bond on file for that portion of the operation shall not be released. That portion of such locations shall be described and designated on the map attached thereto.

(6) When the backfilling and grading have been completed and approved by the division, the director shall release the bond which was filed for that portion of such operation in its full amount less one hundred dollars per acre, which shall be retained by the division until such time as the planting and revegetation is done according to law and approved by the division, at which time the director shall release the bond in the remaining amount of one hundred dollars per acre.

Section 70. KRS 350.095 is amended to read as follows:

After the operation has been backfilled, graded and approved by the division, the operator shall prepare the soil and plant trees, shrubs, grasses and legumes upon the area of the land affected in order to provide a suitable vegetative cover. The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, and any other measures necessary to provide a suitable vegetative cover shall be defined by regulations of the *department* [commission].

Section 71. KRS 350.100 is amended to read as follows:

(1) It shall be the duty of an operator to commence the reclamation of the area of land affected by his operation as soon as possible after the beginning of strip mining of that area in accordance with plans previously approved by the division, and to complete such reclamation within twelve months after the permit has expired except that such grading, backfilling and water management practices that are approved in the plans shall be kept current with the operation as defined by regulations of the *department* [commission] and no permit or supplement to a permit shall be issued, if in the discretion of the division, these practices are not current;

(2) If an investigation indicates that planting so as to provide vegetative cover of an area of land affected by strip mining may not be successful, the division may authorize the operator to defer such planting until the soil has become suitable for such purposes and a yearly report shall be filed with the division indicating the soil conditions until a successful planting or seeding has been completed. It may authorize the operator, with the approval of the *department* [commission], to do planting to provide vegetative cover for a different area of land in lieu of that covered by his permit. Such different area of land must be land affected by strip mining in the past which has soil that has become suitable for planting, of not less acreage than the land covered by the permit. An application by the operator for authority to plant a different area of land shall identify the different area and shall be accompanied by a map showing its location, area and boundaries. The application shall be accompanied by the written consent of the owner of the land covered by the permit to release the operator from his obligation to provide a vegetative cover for the land covered by the permit. If the division grants the application for the planting of a different area of land and the planting is carried out in accordance with its orders, the operator shall be relieved of his obligation to provide a vegetative cover for the area of land affected by his operation for which a different area of land has been substituted.

Section 72. KRS 350.130 is amended to read as follows:

(1) If any of the requirements of this chapter or rules or regulations adopted pursuant thereto or the orders of the division and the *department* [commission] have not been complied with

within the time limits set by the division or the commisison or by this chapter, the division shall cause a notice of noncompliance to be served upon the operator, or where found necessary, the director shall order the suspension of a permit. Such notice or order shall be handed to the operator in person or served by registered mail addressed to the permanent address shown on the application for a permit. The notice of noncompliance or order of suspension shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the division and the *department* [commission]. If the operator has not reached an agreement with the division or has not complied with the requirements set forth in the notice of noncompliance or order of suspension within time limits set therein, the permit may be revoked by order of the *department* [commission] and the performance bond shall then be forfeited to the division;

(2) When a bond is forfeited pursuant to the provisions of this chapter, the director shall give notice to the Attorney General, who shall collect the forfeiture;

(3) An operator whose mining permit has been revoked shall not be eligible to receive another permit or to have suspended permits reinstated until he shall have complied with all the requirements of this chapter in respect to former permits issued him, provided, further, that no operator shall be eligible to receive another permit who has forfeited any bond unless the land for which the bond was forfeited has been reclaimed without cost to the state or the operator has paid [into the Strip Mining and Reclamation Fund] such sum as the *department* [commission] finds is adequate to reclaim such lands. The division shall not issue any additional permits to any operator who has repeatedly been in noncompliance or violation of this chapter, or who has had permits revoked on more than three occasions.

Section 73. KRS 350.150 is amended to read as follows:

(1) In the reclamation of land affected by strip mining for which it has funds available, the division may avail itself of any services which may be provided by other state agencies or by agencies of the Federal Government, and may compensate them for such services. The division may also receive any

federal funds, state funds or any other funds for the reclamation of land affected by strip mining. The division may cause the reclamation work to be done by its own employes or by employes of other governmental agencies, soil conservation districts, or through contracts with qualified persons. Such contracts shall be awarded to the lowest responsible bidder upon competitive bids after reasonable advertisement. The division and any other agency and any contractor under a contract with the division shall have the right of access to the land affected to carry out such reclamation.

(2) Any funds available to the commission and any public works program (both funds and services) may be used and expended to reclaim and rehabilitate any lands that have been subjected to strip mining that have not been reclaimed and rehabilitated in accordance with standards set by this chapter or regulations thereunder and which are not covered by bond to guarantee such reclamation;

(3) A person or organization, having qualifications acceptable to the *department* [commission], may post bond or a cash deposit, in a sum determined by the *department* [commission], and assume the liability for carrying out the reclamation plan approved by the division in areas where the mining operation and any necessary grading and backfilling have been completed. The division shall then release the bond posted by the operator for such area.

Section 74. KRS 350.152 is amended to read as follows:

(1) The Commonwealth, acting by and through its Department of *Environmental Protection* [Natural Resources], shall have the power to acquire, either by negotiation or by exercise of the power of eminent domain, land which has been affected or disturbed by strip or auger mining, which now consists of orphan banks or unreclaimed spoil piles [, and which in its present state is hazardous or otherwise detrimental to the health and safety of the citizens of the Commonwealth, and for the restoration of which federal funds have been made available.]

(2) Prior to acquiring any land pursuant to KRS 350.152 to 350.163 and 350.240, the Department of *Environmental Protection* [Natural Resources] shall extend to the owners thereof an opportunity to backfill, grade, plant and do other acts of

restoration thereon to the same extent and within the same time limits as prescribed by KRS Chapter 350 and regulations adopted pursuant thereto. If the owner or owners agree in writing to perform such restoration and, weather permitting, start such restoration within a period of thirty days, the land shall not be acquired by the Commonwealth.

(3) The Department of *Environmental Protection* [Natural Resources] shall attempt to purchase any land which it has determined should be acquired for the purpose of restoration and which the owners have not agreed to restore as provided in subsection (2) above. In any case where the department and the owners of the land are unable to agree upon the amount to be paid for the land, the department may exercise the power of eminent domain against such land by filing a condemnation suit under any procedure as provided in KRS Chapter 416.

(4) The purchase price, in the case of a negotiated acquisition, or the damages as finally determined, in the case of acquisition by condemnation, and the necessary expenses incidental thereto, shall be paid from [the Reclamation Fund or] appropriations made by the General Assembly for such purposes and appropriations to which Federal funds made available for such purposes have been credited.

Section 75. KRS 350.156 is amended to read as follows:

(1) After restoration of the acquired land, the Department of *Environmental Protection* [Natural Resources] may, with the approval of the Governor, transfer jurisdiction of such land, or any portion thereof, to any state agency that can best utilize such land for public purposes;

(2) If the retention of such land is determined to be impractical, the Department of *Environmental Protection* [Natural Resources], may, with the approval of the Governor, sell such land to political subdivisions of the Commonwealth at the cost of acquisition and restoration or public sale to the highest bidder. Such land shall be sold subject to the condition that no strip mining shall be carried on thereon at any time thereafter. The proceeds of any such sale shall be credited to *a revolving fund within the department.* [the Reclamation Fund as provided for in subsection (2) of KRS 350.163.]

Section 76. KRS 350.163 is amended to read as follows:

(1) The *department* [Division of Reclamation] is authorized and empowered to receive and accept from the Commonwealth or any of its agencies and from Federal agencies appropriations or grants to accomplish the purposes of KRS 350.152 to 350.163 and 350.240, and to receive and accept aid or contributions from any source of either money, property, labor or any other things of value, to accomplish the purposes of KRS 350.152 to 350.163 and 350.240.

(2) All funds available or paid to the *department* [Division of Reclamation] under KRS 350.152 to 350.163 and 350.240, shall be placed in the State Treasury and credited *pursuant to the terms of the appropriation, grant, aid or contribution.* [to a special agency account to be designated as the Reclamation Fund. Any unencumbered and any unexpended balance of this fund at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of KRS 350.152 to 350.163 and 350.240 until expended or until appropriated by subsequent legislative action.]

Section 77. KRS 350.220 is amended to read as follows:

The use of explosives for the purpose of blasting in connection with strip mining in the neighborhood of any public highway, public stream or other body of water, dwelling house, public building, school, church, cemetery, commercial or institutional building or pipe line shall be done in accordance with regulations adopted by the *department* [commission].

Section 78. KRS 350.240 is amended to read as follows:

The *Department of Environmental Protection* [Reclamation Commission, after public hearing,] may adopt *in the manner provided in Sections 3 (16) and 5 (5) and (6) of this Act* reasonable regulations for the reclamation of land disturbed or removed in the mining of clay. Such regulations shall encourage water impoundments and shall follow the standards established in Article III of the Interstate Mining Compact. The *department* [Reclamation Commission] shall have the authority to adopt such regulations prior to the effective date of the Interstate Mining Compact and irrespective of whether the state becomes a member or withdraws from membership in the Interstate Mining Compact.

Section 79. KRS 350.310 is amended to read as follows:

(1) The "Mining Council," hereinafter called "the Council", is hereby established in the office of the Governor. The council shall be the advisory body referred to in Article V(a) of the Interstate Mining Compact. No member of the council shall receive any compensation on account of his service thereon, but any such member shall be entitled to reimbursement for expenses actually incurred by him in connection with his possible service as the Governor's alternate on the Interstate Mining Commission;

(2) The council shall be composed of seven members: three of whom shall be representatives of mining industries; two of whom shall be representatives of nongovernmental conservation interests; the Commissioner of *Environmental Protection* [Natural Resources] and the Director of the Division of Reclamation;

(3) The members of the council representing mining industries and nongovernmental conservation interests shall be appointed by the Governor. The term of office of such members shall be for four years concurrent with that of the Governor or until their successor has been qualified.

Section 80. KRS 350.990 is amended to read as follows:

(1) Any person or operator who violates any of the provisions of this chapter or regulations adopted pursuant thereto or who fails to perform the duties imposed by these provisions, or fails or refuses to obtain a permit as provided herein, or who violates any determination or order promulgated pursuant to the provisions of this chapter, shall be liable to a civil penalty of not less than one hundred dollars nor more than one thousand dollars for said violation, and an additional civil penalty of not less than one hundred dollars nor more than one thousand dollars for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the Attorney General in the Franklin Circuit Court or in the circuit court having jurisdiction of the defendant, and all sums recovered shall be placed in the State Treasury; [and credited to the Strip Mining and Reclamation Fund;]

(2) It shall be the duty of the Attorney General, upon the request of the director, to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, against any operator or other person violating or threatening to violate any of the provisions of this chapter or violating or threatening to violate any order or determination promulgated pursuant to the provisions of this chapter;

(3) Any person who shall willfully violate any of the provisions of this chapter, or any determination or order promulgated pursuant to the sections of this chapter which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than five hundred dollars and not more than five thousand dollars. Each day on which such violation occurs shall constitute a separate offense.

Section 81. A new section of KRS Chapter 350 is created to read as follows:

(1) All prior enactments of this General Assembly to the contrary notwithstanding, all funds received by the Department of Environmental Protection or the Division of Reclamation through the payment of fees shall be deposited in the state treasury to the credit of the general fund effective July 1, 1972. All funds from the forfeiture of bonds shall be placed in the state treasury and credited to a special agency account. As far as is practicable, this fund shall be expended upon the lands for which the bond was given. All unexpended funds in the Division of Reclamation trust and agency accounts established by KRS 350.140 shall lapse to the general fund at the close of the 1971-72 Fiscal Year, provided however, that an amount not exceeding $400,000 may be transferred to a revolving fund to be used for interim financing of federal grant-in-aid projects.

(2) The State Treasurer shall on or before August 1 of each year transfer fifty percent of all funds paid during the preceding fiscal year as fees for the issuance of any permit to strip mine to the fiscal courts of the county in which the permitted operation is located for the general purposes of that fiscal court.

Section 82. A new section of KRS Chapter 224 is created to read as follows:

(1) The Air Pollution Control Commission and the Water Pollution Control Commission created and established by KRS Chapter 224 and the Reclamation Commission created and established by KRS Chapter 350 are hereby abolished.

(2) All functions and powers possessed by and all obligations and duties of the Department of Natural Resources pertaining to the regulation and control of strip mining and reclamation and more particularly described in KRS Chapter 350 and of the Department of Health pertaining to the regulation and control of air pollution, water pollution, sewage disposal, and solid waste disposal and more particularly described in KRS Chapter 109, Sections 211.700 through 211.992, Chapter 223, KRS Chapter 224, and any other provision of law are hereby transferred to the Department of Environmental Protection.

Section 83. A new section of KRS Chapter 224 is created to read as follows:

(1) All reports, documents, surveys, books, records, files, papers or other writings in the possession of the Department of Natural Resources, the Board of Health, Department of Health, Air Pollution Control Commission, or Water Pollution Control Commission pertaining to the regulation and control of strip mining and reclamation, air pollution, water pollution, sewage disposal, or solid waste disposal shall be delivered to the custody of the Department of Environmental Protection.

(2) All furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the Department of Environmental Protection.

(3) All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the Department of Environmental Protection.

(4) Any appropriation or grant made to the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission for the purpose of carrying out the powers, duties, and functions herein transferred, shall on the effective date of this Act be transferred and credited to the Department of Environmental Protection for the purpose of carrying out such transferred powers, duties, and functions.

Section 84. A new section of KRS Chapter 224 is created to read as follows:

For the purpose of succession to all functions, powers, duties, and obligations of the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission or the Water Pollution Control Commission, transferred and assigned to the department by this Act, the department shall be deemed and held to constitute the continuation of the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, and the Water Pollution Control Commission and not a different agency or authority.

Section 85. A new section of KRS Chapter 224 is created to read as follows:

All rules, regulations, acts, determinations and decisions of the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission pertaining to the functions assigned and transferred by this Act to the department in force on the effective date of this Act shall remain in effect as rules, regulations, acts, determinations, and decisions of the Department of Environmental Protection until duly modified or repealed by the Department of Environmental Protection.

Section 86. A new section of KRS Chapter 224 is created to read as follows:

Whenever the Department of Natural Resources, the Board of Health, Department of Health, Air Pollution Control Commission, Water Pollution Control Commission, or the members, officers, or employees thereof, are referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties transferred by this Act, such reference or designation shall be deemed to refer to the department or the commissioner as may be appropriate.

Section 87. A new section of KRS Chapter 224 is created to read as follows:

Any business or other matter undertaken or commenced by the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, or the Water Pol-

lution Control Commission or members, officers, or employees thereof, pertaining to or contracted with the functions, powers, obligations and duties hereby transferred and assigned, and pending on the effective date of this Act, may be conducted and completed by the Department of Environmental Protection in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission or the members, officers, or employees thereof.

Section 88. A new section of KRS Chapter 224 is created to read as follows:

No action or proceeding pertaining to any power or function transferred by this Act and pending on the effective date of this Act, brought by or against the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission, shall be affected by any provision of this Act, but the same may be prosecuted or defended by and in the name of the Department of Environmental Protection. In all such actions and proceedings, the Department of Environmental Protection, upon application, shall be substituted as a party.

Section 89. A new section of KRS Chapter 224 is created to read as follows:

No existing right or remedy of any character shall be lost, impaired, or affected by reason of this Act.

Section 90. A new section of KRS Chapter 224 is created to read as follows:

Any citizen of this Commonwealth having knowledge that any of the provisions of this chapter or regulations adopted thereunder are willfully and deliberately not being enforced by any public officer or employe, whose duty it is to enforce such provisions of this chapter and regulations thereunder, may bring such failure to enforce the law to the attention of such public officer or employe. To provide against unreasonable and irresponsible demands being made, all such demands to enforce the law must be in writing, under oath, with facts set forth specifically stating the nature of the failure to enforce the law. The

stating of false facts and charges in such affidavit shall constitute perjury and shall subject the affiant to penalties provided under the law of perjury. If such public officer or employe neglects or refuses for any unreasonable time after demand to enforce such provision, any such citizen shall have the right to bring an action of mandamus in the circuit court of the county in which the operation which relates to the alleged lack of enforcement is being conducted. The court, if satisfied that any provision of this chapter or regulation thereunder is not being enforced, may make an appropriate order compelling the public officer or employe, whose duty it is to enforce such provision, to perform his duties, and upon failure to do so such public officer or employe shall be held in contempt of court and shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Section 91. A new section of KRS Chapter 224 is created to read as follows:

In order to provide the maximum efficiency and effectiveness in the regulation of the quality of the natural environment, the Governor shall have the power, authority, and duty to alter or abolish any department, division, or administrative body charged by statute with any duty to protect, preserve, or enhance the quality of the natural environment and to transfer as much of the powers, duties, authority, personnel, funds, equipment, facilities and records of such department, division, or administrative body as relates to the protection, preservation, or enhancement of the quality of the natural environment that he may find to be appropriate and necessary in order to carry out the purpose of this section.

Section 92. A new section of KRS Chapter 224 is created to read as follows:

(1) Any person who violates any of the provisions of KRS Chapter 224 except as provided in KRS 224.992 or who fails to perform any duties imposed by those sections, or who violates any determination or order of the department promulgated pursuant thereto shall be liable to a civil penalty of not to exceed the sum of one thousand dollars for said violation, and an additional civil penalty of not to exceed one thousand dollars for each day during which such violation continues, and in addition,

may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the Attorney General.

(2) It shall be the duty of the Attorney General, upon the request of the department, to bring an action for the recovery of the penalties hereinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of KRS Chapter 224 except as provided in KRS 224.992 or violating or threatening to violate any order or determination of the department promulgated pursuant thereto. In any such action any finding of the department shall be prima facie evidence of the fact or facts found therein.

(3) Any person who shall willfully violate any of the provisions of KRS Chapter 224 except as provided in KRS 224.992 or any determination or order of the department promulgated pursuant to those sections which has become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(4) The authority herein vested in the Attorney General, upon request of the department, to bring actions for injunctions for violations of KRS Chapter 224 except as provided in KRS 224.992 or of any regulation, or order issued thereto, shall be exclusive. Nothing herein contained shall abridge the right of any person to recover actual compensatory damages resulting from any such violation.

Section 93. KRS 211.700, 211.703, 211.707, 211.710, 211.713, 211.715, 211.717, 211.720, 211.723, 211.727, 211.730, 211.992, 224.010, 224.030, 224.040, 224.050, 224.070, 224.080, 224.090, 224.220, 224.310, 224.350, 224.360, 224.370, 224.380, 224.390, 224.400, 224.410, 224.420, 224.430, 224.440, 224.460, 224.990, 224.991, 350.024, 350.140, 350.141, 350.143, 350.145, and 350.185 are repealed.

Section 94. This Act shall become effective on January 1, 1973.

HB 4, AN ACT relating to Congressional Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 120 of the Kentucky Revised Statutes is hereby created to read as follows:

The Commonwealth is divided into seven congressional districts composed as follows:

(1) First District: Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union and Webster Counties; that part of the County of Ohio contained within the following voting precincts: Numbers 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17.

(2) Second District: Allen, Anderson, Barren, Breckinridge, Bullitt, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Larue, Marion, Meade, Nelson, Simpson, Spencer, Warren and Washington Counties and that part of the County of Ohio contained within the following voting precincts: Numbers 1, 2, 3, 5, 10, 18 and 19.

(3) Third District: That part of the County of Jefferson contained within the following voting precincts: First Ward of Louisville in its entirety; Second Ward of Louisville 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34; Third Ward of Louisville in its entirety; Fourth Ward of Louisville in its entirety; Fifth Ward of Louisville in its entirety; Sixth Ward of Louisville 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32; Seventh Ward of Louisville 2, 3A, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23; Eighth Ward of Louisville in its entirety; Ninth Ward of Louisville in its entirety; Tenth Ward of Louisville in its entirety; Eleventh Ward of Louisville in its entirety; Twelfth Ward of Louisville in its entirety; A District 17, 39; B District 1, 2, 8, 10, 11, 12, 13, 15, 16, 18, 25, 30, 32, 40, 42, 48, 49, 54, 57, 58, 63, 67; C District 1, 2, 3, 4, 5, 9, 10, 12, 13, 15, 16, 20, 22, 25, 26, 27, 28, 29, 32, 35, 36, 37, 38, 39, 41, 48, 49, 51, 52, 59, 62, 63, 67, 68, 71, 72, 76, 77, 80, 82, 83, 86, 92, 93.

(4) Fourth District: Boone, Carroll, Gallatin, Oldham, and Trimble Counties; that part of the County of Jefferson contained within the following voting precincts: Second Ward of Louisville 35, 36, 38; Sixth Ward of Louisville 31; Seventh Ward of Louisville 18; A District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14; 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81; B District 3, 4, 5, 6, 7, 9, 14, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 31, 33, 34, 35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 50, 51, 52, 53, 55, 56, 59, 60, 61, 62, 64, 65, 66, 68, 69, 70; C District 6, 7, 8, 11, 14, 17, 18, 19, 21, 23, 24, 30, 31, 33, 34, 40, 42, 43, 44, 45, 46, 47, 50, 53, 54, 55, 56, 57, 58, 60, 61, 64, 65, 66, 69, 70, 73, 74, 75, 78, 79, 81, 84, 85, 87, 88, 89, 90, 91, 94; that part of the County of Kenton contained within the following voting precincts: the City of Covington in its entirety; Ludlow 1, 2, 3, 4, 5; Bromley; Villa Hills 1, 2; Crescent Springs; Erlanger 3, 4, 5, 6, 7, 8, 9; Edgewood 1, 2, 3; Crestview; Lakeside Park 1, 2, 3; Ft. Mitchell 1, 2, 3, 4, 5, 6; Ft. Wright 1, 2, 3, 4, 5; Park Hills 1, 2, 3; that part of the County of Campbell contained within the following voting precincts: the City of Bellevue in its entirety; the City of Dayton in its entirety; the City of Ft. Thomas in its entirety; the City of Newport in its entirety; the City of Woodlawn in its entirety.

(5) Fifth District: Adair, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Harlan, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, McCreary, Madison, Metcalfe, Monroe, Owsley, Pulaski, Rockcastle, Russell, Taylor, Wayne and Whitley Counties; that part of the County of Jessamine contained within the following voting precincts: No. 3 Bethel; No. 4 North Wilmore; Keene 5B; Marble Creek 7B; Sulphur Well No. 8; Little Hickman No. 9; No. 10 High Bridge; No. 12 South Wilmore; that part of the County of Letcher contained within the Eolia voting precinct.

(6) Sixth District: Bourbon, Boyle, Clark, Fayette, Franklin, Grant, Harrison, Henry, Mercer, Owen, Pendleton, Shelby, Scott, and Woodford Counties; that part of the County of Jessamine contained within the following voting precincts: Woods 1A, Woods 1B, Courthouse 2A, Courthouse 2B, Keene 5A, No. 6, Marble Creek 7A, South Nicholasville 11A, South Nicholasville

11B; that part of the County of Kenton which is not included in the Fourth Congressional District; that part of the County of Campbell which is not included in the Fourth Congressional District.

(7) Seventh District: Bath, Boyd, Bracken, Breathitt, Carter, Elliott, Fleming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher (except Eolia precinct), Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Perry, Pike, Powell, Robertson, Rowan and Wolfe Counties.

Section 2. A new section of Chapter 120 of the Kentucky Revised Statutes is hereby created to read as follows:

Unless the context requires otherwise, any reference in this Act to a county, city, ward, or district or precinct means that county, city, ward, district or precinct as its boundaries existed on January 4, 1972.

Section 3. Sections 120.070 and 120.075 of the Kentucky Revised Statutes and HB 112 of Regular 1972 Session are repealed.

Section 4. The General Assembly makes the following findings of fact to the best of this body's knowledge with respect to the compliance of the congressional districts as set forth in this Act to constitutional requirements of equal representation:

That the population of the Commonwealth of Kentucky, as set forth by the 1970 decennial census under official notification to the Legislative Research Commission by the U. S. Bureau of the Census under date of March 15, 1972, was 3, 220,711;

That the average population for seven congressional districts in an absolutely ideal arrangement would be 460,102 persons per district;

That the congressional districts as established in this Act do vary from the ideal as follows:

District	Population	Variance	Percent
First	460,493	+ 391	+ 0.0849
Second	460,129	+ 27	+ 0.0059
Third	460,591	+ 489	— 0.1062
Fourth	459,702	— 400	— 0.0869

Fifth	459,703	— 399	— 0.0869
Sixth	460,180	+ 78	+ 0.0169
Seventh	459,913	— 189	— 0.0411

and that the extreme variance is 889 in population and 0.1931 in percentage points.

Adjournment

Representative Swinford moved that the House adjourn until 10:00 a.m., Friday, June 9, 1972. Agreed.

FRIDAY, JUNE 9, 1972

SECOND LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Donald Frantz, Highland Christian Church, Frankfort.

The roll was called. All present except Representatives Conn, Justice, Morgan, Overstreet, Skaggs and Williams.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Hughes moved that the reading of the Journal of June 8, 1972, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 6, by Representative Davis: A RESOLUTION honoring the one hundred and seventy-fifth anniversary of Vanceburg, Kentucky, which was founded in 1797.

HR 7, by Representatives Searcy, Kleier, Reynolds, Hopkins, Holbrook, Blythe, Yates, Mershon, Isler, Wood, Thomas, White, Blume, Clarke, Peak, DeMarcus, Lile, West, Stuart, Louden, Simmons, M. May, Brewer, Donnermeyer, Johnson, Hellard, Mann, and Blandford: A RESOLUTION relating to 1980 census.

Calendar

HB 3, HB 4, HB 5, HB 7, HB 6, HR 2, and **HR 3** taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Davis moved the adoption of the following **HR 6:**

HR 6, A RESOLUTION honoring the one hundred and seventy-fifth anniversary of Vanceburg, Kentucky, which was founded in 1797.

WHEREAS, Vanceburg was founded in 1797; and

WHEREAS, Vanceburg has and presently serves as the seat of government for the county of Lewis; and

WHEREAS, the week of June fourth through June tenth is especially set aside to commemorate Vanceburg's one hundred and seventy-fifth anniversary;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the first Special Session of the 1972 General Assembly does on this 9th day of June, 1972, hereby pay tribute to and recognize the many contributions of the citizens and the City of Vanceburg to the Commonwealth of Kentucky, on its one hundred and seventy-fifth anniversary.

Section 2. That a copy of this resolution be sent to the Mayor of Vanceburg, the Honorable Howard Shelton.

On the roll call the vote was yeas 84—Allen, Blandford, Blume, Boone, Brewer, Burch, Chapman, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lile, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Nett, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Simmons, Smith, Stuart, Swinford, Thomas, Van Horn, Wenz, West, Wible, Wood, Wright, Yates. Nays 0.

HR 6 was adopted.

Representative Searcy moved the adoption of the following **HR 7:**

HR 7, A RESOLUTION requesting the United States Department of Commerce Bureau of Census to conduct the 1980 census on a voting precinct basis.

WHEREAS, the Constitution of the United States requires

that an enumeration of the population be taken every ten years; and

WHEREAS, the accuracy of the census is of vital concern to the economic, social and political well being of all citizens everywhere; and

WHEREAS, the Supreme Court of the United States of America has ordered and adjudged that the elected representatives of the people be determined on a one man one vote basis; and

WHEREAS, the present method of census taking makes it difficult to fully carry out this decision of the Supreme Court of the United States;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the United States Department of Commerce Bureau of Census be and is hereby requested to conduct the 1980 census on a voting precinct basis in cooperation with State and local officials.

Section 2. That copies of this resolution be mailed by the clerk to the Secretary of the Department of Commerce of the United States and to each Congressman and Senator from the Commonwealth of Kentucky.

On the roll call the vote was yeas 77—Allen, Blandford, Blume, Brewer, Bruce, Burch, Chapman, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Joe Graves, Ralph Graves, Lucian T. Hardin, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lile, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Maynard, Mershon, Moremen, Nett, Parish, Paxton, Peak, Peniston, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Robinson, Rowland, Sale, Schmaedecke, Searcy, Sharpe, Siemens, Simmons, Smith, Stuart, Swinford, Thomas, Van Horn, Wenz, West, Wible, Wood, Wright, Yates. Nays 1—Karem.

HR 7 was adopted.

Announcements

The Speaker announced the following appointments:

HR 160, SR 96 – Continuing Study of Penal Code
Representatives Hardin, Kenton, and Lindsay

SCR 77 – Legislative Pensions
Representatives Morgan, Donnermeyer, and Sharpe

SJR 73 – No-fault Insurance
Representatives Paxton and J. Graves

SJR 44 – State Education Systems
Interim Study Commission on Educational Organization
Representatives Hinkle, Morgan, Peak, Nett and Hardin

SR 41 – Off-track Betting
Representatives Kenton, Kleier, Lindsay, and Schmaedecke

SB 101 – Ethical Standards of Members of the General Assembly
Representatives Boone and J. Graves

Representative Richardson moved that the Rules be suspended for the introduction of and adoption of **HR 8**. Agreed.

Representative Richardson moved the adoption of the following **HR 8**:

HR 8, by Representative Richardson: A RESOLUTION to adjourn the House in honor, memory and tribute to Malcolm H. Black.

WHEREAS, Malcolm H. Black worked as associate editor of The Glasgow Times for fourteen years and in the early and eventful 1920's worked for the old Louisville Herald and Courier Journal; and

WHEREAS, Malcolm H. Black business manager and administrator of District Six Tuberculosis Hospital for nearly twenty years, Fellow in the American College of Hospital Administrators, Past President of the Barren County Glasgow Chamber of Commerce, Past President of Post B, Travelers-Protective Association, Charter Member of the Glasgow Lions Club, member of the Glasgow Rotary Club, devoted member of the Glasgow Baptist Church, member of the Barren County Democratic Party; and

WHEREAS, Malcolm H. Black honorably served his country as a soldier during World War II and at the end of hostilities he devoted his time to the cause of the veterans as a member of the American Legion, Veteran of Foreign Wars and Disabled American Veterans; and

WHEREAS, during the 1972 regular session of the Legislature he tirelessly served as Sergeant-at-Arms; and

WHEREAS, Malcolm H. Black met his death as he had lived his life in the service of his country and state, succumbing during the Democratic Party State Convention held in this capital during this past weekend;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the Senate adjourns on Friday June 9, 1972, it does so in honor, memory and tribute to Malcolm H. Black.

Agreed.

Representative R. Graves announced a meeting of the Committee on Elections and Constitutional Amendments for 9:00 a.m., Monday, June 12, 1972.

Adjournment

Representative Swinford moved that the House adjourn until 1:00 p.m., Monday, June 12, 1972.

On the roll call the vote was yeas 79—Allen, Blandford, Blume, Blythe, Boone, Brewer, Bruce, Burch, Chapman, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Lucian T. Hardin, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Jones, Kafoglis, Karem, Kenton, Kessinger, Kidd, King, Lewis, Lile, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Nett, Parish, Paxton, Peak, Peniston, Prather, Priddy, Rattliff, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Simmons, Stuart, Swin-

ford, Thomas, Van Horn, Wenz, West, Wible, Wood, Wright, Yates. Nays 2—Clarke, Quickert.

The motion to adjourn was adopted.

MONDAY, JUNE 12, 1972

FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Charles N. King, Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Chapman and Lile.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Hughes moved that the reading of the Journal of June 9, 1972, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 9, by Representative Schmaedecke: A RESOLUTION relating to a study of the proposed amendment of the Constitution of the United States as proposed by House Joint Resolution 208 of the Ninety-second Congress (Second Session).

HR 10, by Representative Kleier: A RESOLUTION providing for a study of the preparation of tax forms by unlicensed persons.

HR 11, by Representatives Searcy, Allen, Blandford, Blume, Blythe, Boone, Brown, Bruce, Burch, Clarke, Conn, Davis, DeMarcus, Dunn, J. Graves, R. Graves, J. Hardin, Hart, Holloway, Hopkins, Imes, Isler, Johnson, Karem, Kenton, Kessinger, Kidd, Kleier, Lile, Lindsay, Louden, McBee, McGill, Mann, Maynard, Morgan, Nett, Overstreet, Parish, Paxton, Peak, Priddy, Reynolds, Richardson, Schmaedecke, Schmidt, Sharpe, Siemens, Simmons, Stuart, Swinford, Van Horn, West, and Wright: A RESOLUTION honoring and commending Dr. Woodrow Strickler, President of the University of Louisville, for long and distinguished service in the cause of education for the people of the Commonwealth.

Report of Committees

The Committee on Rules reported **HB 3, HB 4, HB 5, HB 6,**

HB 7, HR 2, and **HR 3** have been posted for passage in Orders of the Day, June 12, 1972.

Motions, Petitions and Communications

Representative Searcy moved the adoption of the following **HR 11:**

HR 11, A RESOLUTION honoring and commending Dr. Woodrow Strickler, President of the University of Louisville, for long and distinguished service in the cause of education for the people of the Commonwealth.

WHEREAS, Dr. Woodrow Strickler has generously given thirty-four years of his life to the progress and well being of the University of Louisville; and

WHEREAS, Dr. Woodrow Strickler has resigned the post of President of the University of Louisville and will leave by August 31, 1972; and

WHEREAS, due to the vision and strong leadership of Dr. Strickler the University of Louisville made the largest single growth step in its long history of education; and

WHEREAS, when the storms of social unrest lashed the campuses of universities throughout the nation creating great destruction of ideals and property; the steady hand of Dr. Strickler, as president, guided the University of Louisville away from the turmoil and preserved the campus from violence and destruction;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That Dr. Woodrow Strickler, President of the University of Louisville, is hereby commended for his vision, leadership, educational acumen and distinguished service that brought the University of Louisville to a position of envy in the academic world and full partnership in the state university system.

Section 2. That the Clerk be directed to transmit a copy of this resolution to Dr. Woodrow Strickler, President of the University of Louisville.

On the roll call the vote was yeas 93—Blandford, Blume, Boone, Brewer, Brown, Bruce, Burch, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Morgan, Nett, Overstreet, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, VanHorn, Watkins, Wells, Wenz, West, White, Wible, Williams, Wood, Wright, Yates. Nays 0.

HR 11 was adopted.

Orders of the Day

HB 3 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. Graves moved the adoption of the following Amendment to HB 3:

Amend printed copy of House Bill 3, page 8, line 20, by adding the following after the period: "Not less than two members of the commission shall be members of the minority party. All groups created by this Act shall include members of both major parties."

The Amendment to HB 3 was rejected.

On the roll call the vote was yeas 95—Allen, Blandford, Blume, Blythe, Boone, Brewer, Brown, Bruce, Burch, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A.

May, Woodford May, Maynard, Mershon, Moremen, Morgan, Nett, Overstreet, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Watkins, Wells, Wenz, West, White, Wible, Williams, Wood, Wright, Yates. Nays 1—Robinson.

HB 3 was passed and the title agreed to.

Representative Swinford moved that the vote by which HB 3 was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 4 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmaedecke moved the adoption of the following Amendment No. 1 to HB 4:

Amend printed copy of House Bill 4, page 3, line 12, by adding after the word "Erlanger" the numbers "1, 2,"

Representative Schmaedecke moved the adoption of the following Amendment No. 2 to HB 4:

Amend printed copy of House Bill 4, page 3, line 17, by placing brackets around the words "in its entirety" following the word "Thomas" and adding the words "except precincts O, Q & R of the City of Ft. Thomas"

and on Page 5, line 13, by placing brackets around "459,702 and" —400" and inserting "459,966" and "—136" in lieu thereof.

and on Page 5, line 15, by placing brackets around "460,180" and "+78" and inserting in lieu thereof "459,916" and "—186"

Representative Schmaedecke moved that Amendment No. 1 to HB 4 and Amendment No. 2 to HB 4 be merged into Amendment No. 1 to HB 4. Agreed.

Representative Schmaedecke moved the adoption of Amendment No. 1 to HB 4.

On the roll call the vote was yeas 12—DeMarcus, Holbrook, Hopkins, Isler, Johnson, Jones, King, Overstreet, Rattliff, Rob-

inson, Schmaedecke, Stuart. Nays 65—Allen, Blandford, Blume, Boone, Brewer, Brown, Bruce, Burch, Clapp, Clarke, Conn, Donnermeyer, Dunn, Floyd, R. Graves, J. Hardin, Harris, Hart, Head, Hellard, Hinkle, Howell, Hughes, Hurst, Imes, Kafoglis, Karem, Kelly, Kenton, Kidd, Lewis, Louden, McBee, McBrayer, McBride, McGill, Mann, M. May, W. May, Maynard, Mershon, Moremen, Morgan, Nett, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Quickert, Reynolds, Richardson, Sale, Schmidt, Searcy, Siemens, Smith, Swinford, Van Horn, Wible, Williams, Wood, Wright, Yates.

Amendment No. 1 to **HB** 4 was rejected.

Representative Schmidt moved that **HB** 4 be laid on the table.

On the roll call the vote was yeas 10—Blythe, DeMarcus, Hellard, Holbrook, Isler, King, Schmaedecke, Schmidt, West, Williams. Nays 68—Allen, Blandford, Blume, Boone, Brown, Bruce, Burch, Clapp, Clarke, Conn, Donnermeyer, Dunn, Floyd, J. Graves, R. Graves, J. Hardin, Harris, Hart, Head, Hinkle, Holloway, Hopkins, Howell, Hughes, Imes, Jones, Kafoglis, Karem, Kelly, Kenton, Kidd, Lewis, Louden, McBee, McBrayer, McBride, McGill, Mann, M. May, W. May, Maynard, Mershon, Moremen, Morgan, Nett, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Quickert, Reed, Reynolds, Richardson, Sale, Searcy, Siemens, Smith, Swinford, Thomas, Van Horn, Watkins, Wenz, Wible, Wood, Wright, Yates.

The motion that **HB** 4 be laid on the table was rejected.

On the roll call the vote was yeas 81—Blandford, Blume, Blythe, Boone, Brewer, Brown, Bruce, Burch, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Head, Hinkle, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Johnson, Kafoglis, Karem, Kelly, Kenton, Kidd, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Moremen, Morgan, Nett, Overstreet, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Rowland, Sale, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Watkins, Wenz, West, Wible, Wood, Wright, Yates. Nays 12—J. Graves, Hellard, Holbrook, Isler,

Jones, Kessinger, King, Mershon, Robinson, Schmaedecke, Schmidt, Williams.

HB 4 was passed and the title agreed to.

Representative Swinford moved that the vote by which HB 4 was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 5 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Graves moved the adoption of the following Amendment No. 1 to HB 5:

Amend printed copy of House Bill 5, pages 5, 6, 8, 9, 10, by deleting Sections 4 and 7 in their entirety;

and on page 3, line 18 thru p. 4, line 9, by deleting all words in *italics* and by deleting all brackets; thereby restoring subsection (2) to its present language;

and on page 6, line 24, by changing "5" to "4";

and on page 7, line 15, by changing "6" to "5";

and on page 10, line 15-16, by changing "8" to "6" and by deleting "and 4";

and on page 10, line 18, by deleting "and 4";

and on page 10, lines 20-21, by amending said lines to read: "Section 7. Sections 4 and 5 of this Act shall become effective December 1, 1972.";

and on page 10, line 22, by changing "10" to "8" and by deleting "and 4"

Agreed.

On the roll call the vote was yeas 95—Allen, Blandford, Blume, Blythe, Boone, Brown, Bruce, Burch, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Morgan, Nett, Overstreet, Parish, Paxton, Peak, Peniston, Pollitte,

Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Watkins, Wells, Wenz, West, White, Wible, Williams, Wood, Wright, Yates. Nays 0.

HB 5 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 5** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 6 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved the adoption of the following Amendment No. 1 to **HB 6**:

Amend printed copy of House Bill 6, page 3, line 20, by deleting by bracketing "$5,000.00" and inserting in lieu thereof *"$1,000.00"*

Amendment No. 1 to **HB 6** was adopted.

On the roll call the vote was yeas 96—Allen, Blandford, Blume, Blythe, Boone, Brewer, Brown, Bruce, Burch, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Morgan, Nett, Overstreet, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Watkins, Wells, Wenz, West, White, Wible, Williams, Wood, Wright, Yates. Nays 1—Robinson.

HB 6 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 6** as amended was passed be reconsidered and said motion be postponed indefinitey. Agreed.

Senate Message

Announcing passage of **SB 1, SB 2, SB 3, SB 5, SR 1** and **SR 3.**

Orders of the Day (continued)

HB 7 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBride moved the Previous Question on **HB 7.**

On the roll call the vote was yeas 44—Allen, Blandford, Blume, Brown, Clapp, Dunn, Floyd, R. Graves, L. Hardin, Head, Imes, Isler, Johnson, Kelly, Kessinger, Kidd, Lewis, Lindsay, McBee, McBride, M. May, W. May, Maynard, Mershon, Moremen, Morgan, Paxton, Peniston, Pollitte, Prather, Reed, Reynolds, Rowland, Sharpe, Siemens, Simmons, Smith, Swinford, Thomas, Watkins, White, Wible, Wood, Yates. Nays 44—Blythe, Boone, Brewer, Burch, Clarke, Conn, Davis, DeMarcus, Donnermeyer, J. Graves, J. Hardin, Hart, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Jones, Kafoglis, Karem, Kenton, King, Kleier, Louden, McBrayer, McGill, Mann, Nett, Overstreet, Parish, Peak, Quickert, Rattliff, Richardson, Schmaedecke, Schmidt, Searcy, Skaggs, Stuart, Van Horn, Wenz, West, Wright.

The Previous Question on **HB 7** was rejected.

Representative Kenton moved the adoption of the following Amendment No. 1 to **HB 7:**

Amend typed copy of House Bill 7, page 2, by adding a new section to read as follows: "Section 3. A new section of KRS Chapter 289 is created to read as follows:

(1) Any savings and loan association that is not fully insured by the Federal Savings and Loan Insurance Corporation shall, in any advertisement, on all passbooks and all other printed forms of communication carry the following statement: 'This association is not federally insured.' An association that has made a formal application for insurance to the Federal Savings and Loan Insurance Corporation, which application has not been denied, may carry in conjunction with the required statement a statement that an application for insurance is pending.

(2) Any association that violates subsection (1) of this section by not carrying the required statement, or by carrying a statement that an application for insurance is pending when in fact it is not, shall be fined $500 for each offense. Each incident of violation is a separate offense.

(3) This section shall take effect January 1, 1973."

On the roll call the vote was yeas 73—Allen, Blandford, Blume, Blythe, Brewer, Brown, Bruce, Burch, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, John O. Hardin, III, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Johnson, Kafoglis, Karem, Kelly, Kenton, Kidd, King, Kleier, Lewis, Louden, McBee, McBrayer, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Nett, Overstreet, Parish, Prather, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Siemens, Simmons, Skaggs, Stuart, Van Horn, Watkins, Wells, Wenz, West, White, Wright, Yates. Nays 16—Boone, R. Graves, L. Hardin, Kessinger, McBride, Moremen, Paxton, Peak, Peniston, Pollitte, Reed, Sharpe, Swinford, Thomas, Wible, Wood.

Amendment No. 1 to HB 7 was adopted.

Representative Quickert moved the adoption of the following Amendment No. 2 to HB 7:

Amend printed copy of House Bill 7, page 1, line 7, after the word "on" by striking the following: "July 1, 1974; provided, however, that" and inserting in lieu thereof, the following: "September 1, 1972, provided that the Commissioner of Banking and Securities may grant an exemption from such requirement to any state savings and loan association for a period up to and including July 1, 1976 if the following conditions are met:

(1) the state savings and loan association makes application for such exemption on such forms as shall be designated by the commissioner, such application shall be accompanied by an audited balance sheet dated as of the close of its last fiscal year and a statement of operations for the fiscal year then ended, examined and reported upon in accordance with generally accepted auditing standards with an opinion expressed thereon by an independent public or certified public accountant.

(2) the state savings and loan association shall agree in such application to, and shall file with the commissioner within 45 days following the close of each succeeding fiscal year, such certified financial statements for such succeeding year.

(3) the state savings and loan association demonstrates to the satisfaction of the commissioner that neither at the time of the filing of the application nor during the period of the exemption, no loans are outstanding, directly or indirectly, to its officers, directors or their affiliates in violation of the limitations imposed by this chapter.

(4) the independent public or certified public accountant certifying the financial statements of the state savings and loan association, shall provide the Commissioner of Banking and Securities with a written statement in connection with its audit that it has not discovered any loans outstanding, directly or indirectly, to its officers, directors or their affiliates in violation of the limitations imposed by this chapter."

and, on page 1, line 7, before the word "no" by adding the following: "Section 2." and capitalizing the letter "N" in the word "no";

and on page 2, after line 6, by adding the following:

"Section 3. The Commissioner of Banking and Securities may at any time summarily terminate any exemption granted under this section if he determines that the state savings and loan association is not proceeding with reasonable speed to secure insurance on its deposits by the Federal Savings and Loan Insurance Corporation or other federal agency or that loans are outstanding, directly or indirectly, to officers, directors or their affiliates in violation of the limitations imposed by this chapter or that such state savings and loan association is not otherwise being operated in a safe and prudent manner consistent with protection of its depositors."

and, on page 2, line 7, by changing "Section 2." to read "Section 4."

Representative Quickert moved that Amendment No. 2 to **HB 7** be withdrawn. Agreed.

Representative J. Graves offered the following Amendment No. 3 to **HB 7**:

Amend printed copy of House Bill 7, page 1, line 7, after the date "July 1, 1974;" by adding the following: "provided, however, that savings and loan associations which are not so insured, shall be required to have an annual, certified public accountant certified audit at its own expense at the close of each fiscal year until they become fully insured. Certified copies of such audit reports shall be sent to the Commissioner of Banking and Securities within 120 days after the close of the fiscal year of the institution. Said reports shall constitute public records and shall be available for public inspection."

and, on page 1, line 7, by changing the words "provided, however," to read: "Provided, further,"

and, on page 2, line 13, by inserting after the line, the following:

"Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

The Speaker ruled the contents of Amendment No. 3 to HB 7 not germane to the call.

Representatives J. Graves and Hopkins appealed the ruling of the Chair.

Speaker Pro Tempore Paxton presiding.

The decision of the Speaker was upheld by voice vote.

The Speaker resumed the Chair.

Representative J. Graves offered the following Amendment No. 4 to HB 7:

Amend printed copy of House Bill 7, page 2, between lines 6 and 7, by adding the following:

"Section 2. A new section of KRS Chapter 287 is created to read as follows:

All banks in the Commonwealth shall acquire and maintain Federal Deposit Insurance Corporation insurance; provided, however;

(1) Banks currently chartered or in operation as of the earliest effective date of this Act shall obtain said insurance on or before July 1, 1974, and until such time every bank not so insured shall be audited annually at its own expense by a certified public accountant, said audit being certified by him. Certified copies of such audit shall be sent to the Commissioner of Banking and Securities within 120 days after the close of the institution's fiscal year. Said reports shall constitute public records and shall be available for public inspection.

(2) No articles of incorporation required to be approved under KRS Chapter 287 shall be approved unless the incorporators submit:

(a) Sufficient evidence of being fully insured by the Federal Deposit Insurance Corporation or other federal agency; or

(b) Sufficient evidence of committment by the Federal Deposit Insurance Corporation or other federal agency that the incorporator's corporation will be issued federal insurance immediately subsequent to the execution of the approval of incorporation by the commissioner.

Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

and, on page 2, line 7, by changing "Section 2." to read "Section 4."

The Speaker ruled the contents of Amendment No. 4 to **HB 7** not germane to the call.

Representative J. Graves offered the following Amendment No. 5 to **HB 7**:

Amend printed copy of House Bill 7, page 2, between lines 6 and 7, by adding the following:

"Section 2. A new section of KRS Chapter 291 is created to read as follows:

(1) All industrial loan corporations and petty loan companies issued a certificate of incorporation pursuant to the Kentucky Revised Statutes shall:

(a) Maintain such insurance in such amounts as the Commissioner of Banking and Securities shall require to adequately protect the depositors and holders of certificates of deposit of said institutions (said amounts may vary according to the facts in each individual case); or

(b) Be audited annually at its own expense by a certified public accountant, said audit being certified by him. Certified copies of such audit shall be sent to the Commissioner of Banking and Securities within 120 days of the close of the institution's fiscal year. Said reports shall constitute public records and shall be available for public inspection.

Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

and, on page 2, line 7, by changing "Section 2." to read: "Section 3."

The Speaker ruled the contents of Amendment No. 5 to **HB 7** not germane to the call.

Representative Hughes offered the following Amendment No. 7 to **HB 7**:

Amend printed copy of House Bill 7, page 2, line 13, by adding the following:

"Section 3. A new section of KRS Chapter 289 is created to read as follows:

Whenever a savings and loan association licensed under this chapter becomes insolvent due to mismanagement, judged by commonly accepted principles of management, the officers and directors of the association, and the full estates of each of them, shall be jointly and severally liable to the depositors of the association for all losses suffered by the depositors."

The Speaker ruled the contents of Amendment No. 7 to **HB 7** not germane to the call.

Representative J. Graves offered the following Amendment No. 6 to **HB 7**:

Amend printed copy of House Bill 7, page Title, by deleting

the title and inserting in lieu thereof, the following: "AN ACT relating to financial institutions."

The Speaker ruled Amendment No. 6 to **HB 7** was not needed due to the decision on Amendments No. 3, 4, 5 and 7.

On the roll call the vote was yeas 94—Allen, Blandford, Blume, Blythe, Boone, Brewer, Brown, Bruce, Burch, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Morgan, Nett, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Watkins, Wells, Wenz, West, White, Wible, Williams, Wood, Wright, Yates. Nays 0.

HB 7 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 7** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 2 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hughes moved that **HR 2** be recommitted to the Committee on Elections and Constitutional Amendments.

On the roll call the vote was yeas 41—Blandford, Blythe, Brewer, Clapp, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, L. Hardin, Hart, Head, Hinkle, Holloway, Hughes, Hurst, Isler, Kleier, McBee, Mann, Maynard, Mershon, Moremen, Nett, Parish, Pollitte, Priddy, Quickert, Rattliff, Robinson, Schmaedecke, Schmidt, Sharpe, Simmons, Smith, Stuart, Wells, Wenz, West, Wible, Yates. Nays 50—Allen, Blume, Boone, Brown, Bruce, Burch, Clarke, Conn, J. Graves, R. Graves, J. Hardin, Harris, Hellard, Holbrook, Hopkins, Howell, Imes, Jones, Kafoglis,

Karem, Kelly, Kenton, Kessinger, Kidd, King, Lewis, McBrayer, McBride, McGill, W. May, Morgan, Overstreet, Paxton, Peak, Peniston, Prather, Reed, Reynolds, Richardson, Sale, Searcy, Siemens, Swinford, Thomas, Van Horn, Watkins, White, Williams, Wood, Wright.

The motion that **HR 2** be recommitted to the Committee on Elections and Constitutional Amendments was rejected.

On the roll call the vote was yeas 56—Allen, Blume, Boone, Brown, Bruce, Burch, Clarke, Conn, DeMarcus, Dunn, J. Graves, R. Graves, J. Hardin, Harris, Hellard, Holbrook, Hopkins, Howell, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Lewis, Lindsay, Louden, McBrayer, McBride, McGill, Mann, M. May, W. May, Maynard, Morgan, Paxton, Peak, Peniston, Prather, Reed, Reynolds, Richardson, Sale, Schmaedecke, Searcy, Siemens, Swinford, Thomas, Van Horn, Watkins, White, Wood, Wright. Nays 31—Blandford, Brewer, Clapp, Davis, Donnermeyer, L. Hardin, Hart, Hinkle, Hughes, Hurst, Imes, Isler, Kleier, McBee, Mershon, Moremen, Nett, Overstreet, Parish, Pollitte, Priddy, Quickert, Rattliff, Robinson, Schmidt, Sharpe, Simmons, Smith, Wells, Wible, Yates.

HR 2 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HR 2** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 3 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Allen, Blandford, Blume, Blythe, Brown, Burch, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Maynard, Mershon, Moremen, Morgan, Nett, Overstreet, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Sale, Schmae-

decke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Smith, Stuart, Swinford, Thomas, Wells, Wenz, West, White, Wible, Wood, Wright, Yates. Nays 0.

HR 3 was passed and the title agreed to.

Representative Swinford moved that the vote by which HR 3 was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of SB 4.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Banking and Insurance: SB 4.

Elections and Constitutional Amendments: SB 3.

Labor and Industry: SB 5.

State Government: SB 1, SB 2, SR 1, SR 3.

Announcements

Representative J. Hardin announced a meeting of the Joint Judiciary Committee for 9:00 a.m., June 13, 1972, Room 327.

Representative Swinford moved that when the House adjourns it do so until 10:00 a.m., Tuesday, June 13, 1972, and by voice vote. Agreed.

Recess

Representative Swinford moved that the House recess for forty-five minutes. Agreed.

At the appointed hour, Representative Reynolds assumed the Chair and called the House to order.

Representative King moved that his vote on HB 3 be changed from "yea" to "nay" and that his statement in regard thereto be spread upon the Journal. Agreed.

ATTENTION: Clerk, House of Representatives,

Record Phillip E. King as voting "Nay" and include the following statement in the Journal of the House for June 12, 1972, pursuant to his motion which was sustained by the Speaker.

"I am voting "Nay" on House Bill 3, because it includes Section 81, numerical paragraph (2) and requires the *'State Treasurer to transfer fifty percent of all funds paid during the preceding fiscal year as fees for the issuance of any permit to strip mine to the fiscal courts of the county in which the permitted operation is located for the general purposes of that fiscal court.'* Under Section 65, numerical paragraph (7), the sum returned by the State Treasurer to said local fiscal courts is $92.50 per acre.

This objectionable portion of House Bill 3 is discriminatory against non-strip mining counties and any deficit in the General Fund resulting therefrom will result in a greater tax burden on non-strip mining counties. Further, the objectionable return of fees to the fiscal courts will encourage further laxness in enforcement of strip mining reclamation laws by local officials and will encourage and perpetuate strip mining which is contrary to the general welfare of the citizens of this Commonwealth."

/s/ Phillip E. King

Report of Committees

The Committee on Labor and Industry reported **SB 5** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 5, AN ACT relating to the safety and health of workers employed within the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 338.141 is amended to read as follows:

(1) If upon inspection an authorized representative of the commissioner finds that an employer has violated any requirement of this chapter, a citation shall be issued to the employer. Each citation shall describe the alleged violation, establish the time period permitted for correction by fixing a reasonable date by which the alleged violation shall be eliminated, [and set the

fine to be paid if the alleged violation is not so corrected] *and propose the civil penalty to be paid.* If within fifteen working days from the receipt of the citation [the] *an* employer, *employee or representative of the employees* fails to notify the commissioner that he intends to contest the citation, then he citation shall be deemed a final order of the review commission and not be subject to review by any court or agency.

(2) The commissioner, upon determination that an employer is acting in good faith to correct the cited violation, may grant additional time for compliance upon application by the employer.

(3) If an employer, *employee or representative of the employees* notifies the commissioner that he intends to challenge a citation issued under this section or under KRS 338.131, the commissioner shall notify the review commission of such notification and the review commission shall afford an opportunity for a hearing.

(4) In the case of any review proceedings initiated by an employer, *employee or representative of the employees* under this chapter, the time period permitted for correction of cited violations may be extended by the review commission.

Section 2. KRS 338.161 is amended to read as follows:

(1) The Department of Labor shall develop and maintain a program of collection, compilation, and analysis of occupational safety and health statistics. Each employer shall make, keep and preserve, and make available to the commissioner *and the Secretary of the United States Department of Labor or the Secretary of the United States Department of Health, Education, and Welfare,* such records regarding his activities relating to this chapter as may be prescribed by regulation.

(2) The Department of Labor shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protection and obligations under this chapter.

Section 3. KRS 338.991 is amended to read as follows:

(1) Any employer who willfully or repeatedly violates the requirement of any section of this chapter including any standard,

regulation, or order promulgated pursuant to this chapter, may be assessed a civil penalty of up to $10,000.00 for each violation.

(2) Any employer who has received a citation for a serious violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, shall be assessed a civil penalty of up to $1,000.00 for each violation.

(3) Any employer who has received a citation for a violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to $1,000.00 for each violation.

(4) [(2)] An employer who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of up to *$1,000.00* [$5,000.00] for each day during which such failure or violation continues.

(5) [(3)] Any employer found to be in violation of KRS 338.121 (3) shall be assessed a civil penalty of up to $10,000.00 for each violation.

(6) [(4)] The review commission shall have the authority to modify all civil penalties and fines provided for in this chapter. The review commission may, at its discretion, suspend the time period allotted for correction of a violation during the review of an appeal from the violation in question.

(7) [(5)] All civil penalties and fines collected under the provision of this chapter shall be paid into the general fund.

(8) [(6)] Any employer or individual who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than $10,000.00 or by imprisonment for not more than six months, or by both.

(9) [(7)] Any person who gives advance notice of any investigation or inspection to be conducted under this chapter, without authority from the commissioner, shall, upon conviction, be punished by a fine of not more than $1,000.00 or by imprisonment for not more than six months, or by both.

(10) [(8)] Any employer or individual who refuses entry to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, or in any way willfully obstructs him from carrying out his investigation or inspection, shall, upon conviction, be punished by a fine of not more than $1,000.00, or by imprisonment for not more than six months, or by both.

(11) [(9)] Any employer or individual who willfully causes bodily harm to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, shall, upon conviction, be punished by a fine of not more than $10,000.00, or by imprisonment for not more than one year, or by both.

(12) As used in this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

The Committee on Elections and Constitutional Amendments reported SB 3 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 3, AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 117.605 is amended to read as follows:

Every person, male or female, *who is a resident of this state and has resided in the precinct in which he offers to vote thirty (30) days next preceding the day of any regular or special election,* who possesses, on the day of *the* [and regular or special] election, the qualifications set forth in Constitution Section 145, *exclusive of the durational residency requirements* [except in Presidential elections], who is not disqualified under that section or under any statute, and who is registered as provided in KRS 117.600 to 117.895, may vote for all officers to be elected by the

people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote [under Constitution 145. A person may register to vote for President and Vice President provided he has resided in the state thirty (30) days prior to the election]. A registered voter who moves within thirty (30) days of *an* [a Presidential] election and is not permitted to register at the new residence may vote at the former residence either in person or by absentee ballot. No person shall be permitted to vote at any regular, primary or special election unless he is registered as provided in KRS 117.600 to 117.895.

Section 2. KRS 117.615 is amended to read as follows:

Any person, male or female, may register as a voter during the period the registration books are open if he possesses or will possess on the day of the next regular election, the qualifications set forth in *KRS 117.605* [Constitution 145 except in Presidential elections. Durational residence requirements shall not apply to potential registrants for voting in elections for President and Vice President]. Any member of the armed services while on extended duty may register not later than thirty (30) days before the election, provided he possesses the necessary qualifications.

Section 3. KRS 117.620 is amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may register for absentee application, or appear before the county clerk of the county of his residence or at the temporary branch offices authorized by the county board of registration and purgation, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or said temporary branch office or the board of registration commissioners is open for business except as otherwise provided in subsection (4) of this section. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed *the thirty (30)* [fifty-nine] days prior to, and *the* five days following, any primary or general election, and *the* ten (10) days prior to any special election or city primary election held under the provisions of KRS 89.060 and KRS 89.440, and no voter shall be re-

gistered or be permitted to change his registration or party affiliation during the period that the books are closed; except that, the registration books shall be closed only in those precincts in which the election is held [and except that in years when Presidential elections are held, the books or lists shall be closed thirty days prior to the election. A separate file shall be maintained of those persons who do not comply with state residence requirements. The date on which each person will qualify for voting in state and local elections shall be noted, and on that date the person's registration card shall be placed in the permanent file].

(2) In all counties the county clerk, when authorized by the county board, shall receive registrations, transfers, or change of party affiliation at branch offices at any place in the county, provided such offices are housed in a public building to be selected by the county board. The branch offices shall not be open for a longer period than fifteen (15) days, prior to the closing of the registration books prior to any primary or general election, and but one branch office shall be open in any county at the same time. Any person possessing the qualifications for registration as a legal voter of any voting precinct in the county may appear before the clerk during the period the books are open at the office or branch office, and register or change his party affiliation or transfer his registration card.

(3) For the purpose of registering voters in a city of the second or third class which is not the county seat, the county clerk shall maintain a branch office in the courthouse or city hall of the city and take thereto the registration books for each voting precinct in the city and keep them there during the period the books are open.

(4) Any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the county clerk, or the board of registration commissioners if he resides in a city of the first class, by letter or by form which may be provided. The clerk or board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the clerk or the board within ten (10) days from the date of notice. If no protest is filed within the ten-day (10) period, the county clerk or the board shall change the party affili-

ation of the voter as requested. If a protest is filed, the change shall not be made until the clerk or the board has investigated the matter and given the protesting voter an opportunity to be heard. The date on which the change is made shall be noted on the voter's registration record. No change of party affiliation shall be made except on those days when registrations are allowed under subsection (1) of this section.

Section 4. KRS 128.020 is amended to read as follows:

Every person, *male or female, who is a resident of this state and has resided in the precinct in which he offers to vote thirty (30) days next preceding the day of any regular or special election,* who possesses on the day of any election the qualifications set forth in Constitution Section 145, *exclusive of the durational residency requirements* [except in elections for president and vice president], who is not disqualified under that section or under any *other* statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote [under Constitution Section 145. A person may register to vote in elections for president and vice president provided he has resided in the state thirty days prior to the election]. A registered voter who moves less than thirty days before an election [for president and vice president] and is not permitted to register at his new residence may vote at his former residence either in person or by absentee ballot.

Section 5. KRS 128.040 is amended to read as follows:

(1) Any person may register as a voter during the period registration is open if he possesses, or will possess on the day of the next election, the qualifications set forth in *KRS 128.020* [Constitution Section 145, except in elections for president and vice president. Durational residence requirements shall not apply to potential registrants for voting in elections for president and vice president].

(2) Except during implementation of the initial statewide registration as provided in KRS 127.020(4), the county board of elections shall cause all registration to be closed *the* thirty days prior to, and *the* five days following, any primary or general election, and *the* ten days prior to any special election. No voter

shall be registered or be permitted to change his registration during the period that the registration is closed; except that, registration shall be closed only in those precincts in which the election is held.

[(3) A separate file shall be maintained of those persons who have registered to vote in elections for president and vice president but do not qualify to vote in state and local elections because of failure to comply with residence requirements. The date on which each person will qualify for voting in state and local elections shall be noted, and on that date the person's registration form shall be placed in the permanent file.]

(3) [(4)] In all counties the county clerk, when authorized by the county board, shall receive registration, transfers, or change of party affiliation at branch offices at any place in the county during those periods that the registration books are open. However, notice in the manner provided by KRS Chapter 424 must be given at least 3, but not more than 14, days in advance[,] of the time and place of any branch registration, and 10 days written notice must be given to the county executive committee of each major political party in the county in which the branch registration is to be held.

(4) [(5)] Any person may register to vote or may change his party affiliation in person or by mail. He may apply to the county clerk in writing on the form prescribed by the State Board of Elections; and upon receipt of the form, properly filled out and signed by the applicant, the clerk shall register the applicant.

Section 6. Whereas, it is necessary that Sections 1, 2, 3 of this Act become effective prior to the November, 1972, election, an emergency is declared to exist and Sections 1, 2, 3 of this Act shall become effective immediately upon passage of this Act and approval by the Governor.

Section 7. Sections 4 and 5 of this Act shall become effective December 1, 1972.

Section 8. Sections 1, 2, 3 of this Act and KRS 126.150, 126.160, 126.210, 126.220, and 126.225 amended by HB 251 during the 1972 Regular Session of the General Assembly are intended to apply only until after the November, 1972, election and shall be repealed effective December 1, 1972.

The Committee on Banking and Insurance reported SB 4, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 4, AN ACT relating to the requirement that State Savings and Loan Associations become insured by the Federal Savings and Loan Insurance Corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 289 is created to read as follows:

KRS 289.451(13) and KRS 289.461(2)(k) which require state savings and loan associations to become fully insured by the Federal Savings and Loan Insurance Corporation as provided by Title IV of the National Housing Act of 1934, as amended, shall become effective on July 1, 1974; provided, however, that no certificate of incorporation as provided for under KRS Chapter 287 shall be granted or approved by the Commissioner after the effective date of this Act, unless the applicant for such certificate:

(1) submits sufficient evidence of being fully insured by the Federal Savings and Loan Insurance Corporation or other federal agency; or (2) submits sufficient evidence of commitment by the Federal Savings and Loan Insurance Corporation or other federal agency that the applicant will be issued federal insurance immediately subsequent to the execution of the certificate of incorporation by the Commissioner.

Section 2. A new section of KRS Chapter 289 is created to read as follows:

A state savings and loan association may not make a real estate loan to a director, officer or employee of the association, or to any attorney or firm of attorneys, regularly serving the association in the capacity of attorney-at-law, or to any partnership in which any such director, officer, employe, attorney or firm of attorneys has any interest and no real estate loan shall be made to any corporation in which any of such parties are stockholders, except that with the prior approval its board of directors of a real estate loan may be made to a corporation in which no such party owns more than fifteen percent of the total

outstanding stock and in which the stock owned by all such parties does not exceed twenty-five percent of the total outstanding stock: Provided, That nothing herein shall prohibit a state savings and loan association from making loans on the security of a first lien on the home or combination of home and business property owned and occupied by a director, officer or employe of an association, or by an attorney or member of a firm of attorneys regularly serving the association in the capacity of attorney-at-law.

Section 3. Whereas, it is impossible for state Savings and Loan Associations that are not presently covered by federal insurance, to obtain federal insurance by June 16, 1972 as required by SB 159 enacted by the 1972 Regular Session of the General Assembly (Chapter 267, 1972 Acts of the General Assembly), an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee Amendment to **SB 4** is as follows:

Amend printed copy of Senate Bill 4, by deleting Section 2 in its entirety;

by deleting "Section 3" and inserting in lieu thereof "Section 2".

The Committee on State Government reported **SCR 3, SR 1, SB 1,** and **SB 2** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SCR 3, A CONCURRENT RESOLUTION commending the Legislative Research Commission staff and the state printer for preparation of the regular session Acts.

WHEREAS, copies of the Acts of the 1972 regular session of the General Assembly have this day been distributed to members of the General Assembly; and

WHEREAS, having the regular session Acts available at such an early date is without precedent in the memory of any living person; and

WHEREAS, this accomplishment is due to the concentrated and dedicated efforts of both the Legislative Research Commission staff and the state printer, the Dunne Press, Inc.;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the Legislative Research Commission staff and the Dunne Press, Inc. be, and they hereby are, commended for their efforts in producing the 1972 regular session Acts.

SCR 1, A CONCURRENT RESOLUTION honoring and commending Louis J. "Butch" Charmoli for his long and distinguished service to the youth of the Commonwealth of Kentucky.

WHEREAS, Louis J. "Butch" Charmoli retired on June 7, 1972, after thirty-four years of coaching at Du Pont Manual High School, Louisville, Kentucky, and;

WHEREAS, through his efforts in coaching he has instilled in thousands of young people a spirit of fair play, clean life, and the will to win against great odds; and

WHEREAS, during the darkest moments of competition he stood firm like the Iron Mountain of his birthplace; an inspiration to all to behold; and

WHEREAS, the citizens of Louisville saw it fitting and proper that the new gymnasium of Du Pont Manual High School be named "Louis J. 'Butch' Charmoli Gymnasium" in tribute to a great citizen, a benefactor of youth and a great Kentuckian.

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That Louis J. "Butch" Charmoli be, and hereby is, commended for his long and inspirational service to the youth of the Commonwealth and that he be duly accorded the honor and esteem of the Senate.

Section 2. That the clerk be directed to transmit a copy of this resolution to coach Louis J. "Butch" Charmoli.

SB 1, AN ACT relating to environmental protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 224 is created to read as follows:

As used in KRS Chapter 224 unless the context clearly indicates otherwise:

(1) "Air contaminant" includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive matter, noxious acids, fumes, gases, odor, vapor, or any combination thereof;

(2) "Air contaminant source" means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, and heating and power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, indoor and outdoor, refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing.

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interfere with the comfortable enjoyment of life or property;

(4) "Cesspool" means a cavity in the ground which receives human excrement and domestic wastes to be partially absorbed directly by the surrounding soil;

(5) "Commission" means the Environmental Quality Commission;

(6) "Commissioner" means the Commissioner of Environmental Protection;

(7) "Department" means the Department of Environmental Protection;

(8) "District" means an air pollution control district as provided for in KRS Chapter 77;

(9) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, co-partnership, association, firm, trust, estate, or other entity whatsoever;

(10) "Seepage pit" means a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank;

(11) "Septic tank" means a septic toilet, chemical closet and any other watertight enclosure used for storage and decomposition of human excrement and domestic wastes;

(12) "Sewage system" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of liquid or water-borne sewage, industrial wastes or other wastes;

(13) "Solid waste" means all putrescible and non-putrescible refuse in solid form. Solid waste includes but is not limited to garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, and special wastes including explosives, pathological wastes and radioactive materials;

(14) "Solid waste disposal site or facility" means any place at which solid waste is disposed of by incineration, landfilling or any other method;

(15) "Tank" means any container when placed on a vehicle to carry in transport wastes removed from a septic tank, cesspool or seepage pit;

(16) "Water pollution" means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the Commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply

or to the use of such waters for recreational, commercial, industrial, agricultural or other legitimate purposes;

(17) "Water" or "waters of the Commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction.

Section 2. A new section of KRS Chapter 224 is created to read as follows:

(1) There is hereby created a statutory administrative department of the state government within the meaning of KRS Chapter 12, which shall be known and designated as the Department of Environmental Protection.

(2) The head of the Department of Environmental Protection shall be the Commissioner of Environmental Protection who shall be appointed by the Governor and who shall be the chief executive officer and shall have sole charge of the administration of the department.

(3) The commissioner may appoint in the manner prescribed by law such deputies, directors, assistants, and other officers and employees as may be needed for the performance of his duties and may prescribe their powers and duties.

Section 3. A new section of KRS Chapter 224 is created to read as follows:

In addition to any other powers and duties vested in it by law, the department shall have the authority, power, and duty to:

(1) Exercise general supervision of the administration and enforcement of this Act and all rules, regulations and orders promulgated thereunder;

(2) Prepare and develop a comprehensive plan or plans related to the environment of the Commonwealth;

(3) Encourage industrial, commercial, residential and community development which provides the best usage of land areas, maximizes environmental benefits and minimizes the effects of less desirable environmental conditions;

(4) Develop and conduct a comprehensive program for the management of water, land, and air resources to assure their protection and balance utilization consistent with the environmental policy of the Commonwealth.

(5) Provide for the prevention, abatement, and control of all water, land, and air pollution including but not limited to that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients, heated liquid, or other contaminants;

(6) Provide for the control and regulation of strip mining and reclamation in a manner to accomplish the purposes of KRS Chapter 350.

(7) Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;

(8) Collect and disseminate information and conduct educational and training programs relating to the protection of the environment;

(9) Appear and participate in proceedings before any federal regulatory agency involving or affecting the purposes of the department;

(10) Enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or non-compliance with this Act or any rule or regulation which may be promulgated thereunder;

(11) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books and records by the issuance of subpoena;

(12) Accept, receive, and administer grants or other funds or gifts from public and private agencies including the Federal Government for the purpose of carrying out any of the functions of the department. Such funds received by the department shall be deposited in the state treasury to the account of the department;

(13) Request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the department in the performance of its duties.

(14) Advise, consult, and cooperate with other agencies, of the Commonwealth, other states, the Federal Government, and interstate and interlocal agencies, and affected persons, groups and industries;

(15) Formulate guides for measuring presently unidentified environmental values and relationships so they can be given appropriate consideration along with social, economic, and technical considerations in decision making;

(16) Monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems and to warn of emergency conditions;

(17) Adopt, modify or repeal with the recommendation of the commission any standard, rule, regulation or plan specified in Section 5 (5) and (6) of this Act;

(18) Issue, after hearing, orders abating activities in violation of KRS Chapter 224, or the provisions of this Act or the regulations promulgated pursuant thereto and requiring the adoption of such remedial measures as the department may deem necessary;

(19) Issue, continue in effect, revoke, modify or deny under such conditions as the department may prescribe, permits for the discharge of any sewage, industrial wastes or other wastes, into any waters of the Commonwealth, and for the installation, alteration, expansion, or operation of any sewage system; the installation, alteration, or use of any machine, equipment, device or other article that may cause or contribute to air pollution or is intended primarily to prevent or control the emission of air pollution; or the establishment or construction and the operation or maintenance of solid waste disposal sites and facilities; and require that applications for such permits be accompanied by plans, specifications, and such other information as the department deems necessary;

(20) Require, by regulation, that any person engaged in any operation regulated pursuant to KRS Chapter 224 install, maintain, and use at such locations and intervals as the department may prescribe any equipment, device or method to monitor the nature and amount of any substance emitted or discharged into the ambient air or waters of the Commonwealth and to provide

any information concerning such monitoring to the department in accordance with the provisions of subsection (21).

(21) Require by regulation that any person engaged in any operation regulated pursuant to KRS Chapter 224 file with the department reports containing information as to location, size, height, rate of emission or discharge, and composition of any substance discharged or emitted into the ambient air or into the waters of the Commonwealth, and such other information as the department may require; and

(22) Perform such other and further acts as may be necessary to carry out the duties and responsibilities herein described;

Section 4. A new section of KRS Chapter 224 is created to read as follows:

(1) There is hereby created the Environmental Quality Commission which shall consist of seven members appointed by the Governor.

(2) All members of the commission shall be citizens eligible to vote in elections in this Commonwealth. At all times a majority of the Commission shall meet the requirements of Section 7, and "person" as used in Section 7 shall relate to a majority of the members of the commission.

(3) Of the seven members of the commission first to be appointed, one shall be appointed for a term of one year; two for a term of two years; two for a term of three years; and two for a term of four years, beginning on the effective date of this Act. Thereafter, all appointments shall be made for terms of four years beginning on the first day of January of the year in which the appointment is made. Each of the appointed members of the commission shall hold office for the term for which he was appointed and until his successor shall have been appointed and taken office in his stead or until he shall resign or be removed in a manner provided by law.

(4) Any vancancy in an unexpired term shall be filled for the unexpired portion of the term in the same manner as the original appointment to that term.

(5) No salary or other compensation shall be allowed any member of the commission for services as such a member but

each member may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(6) The commission shall select one of its members as chairman, another as vice-chairman, and another as secretary at its first regular meeting in the calendar year.

(7) Staff services for the commission shall be performed, insofar as practicable, by personnel of the department.

(8) The commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the commission in the performance of its duties.

(9) The commission shall hold regular meetings at least once in every three months, the time and place of which shall be determined by the commission. Special meetings may be called by the chairman or by three members of the commission by delivery to each member of the commission of a written notice thereof at least five days in advance of the date of any such meeting. Four members of the commission shall constitute a quorum at any meeting. The commission shall establish bylaws for the conduct of its meeting and shall keep an accurate record of all its proceedings.

Section 5. A new section of KRS Chapter 224 is created to read as follows:

The Environmental Quality Commission shall have the power, duty and authority to:

(1) Establish such advisory committees as may be necessary and convenient;

(2) Advise the commissioner on any matter within his responsibility which it deems necessary;

(3) Advise the Governor on any matter covered by the provisions of this Act;

(4) Serve as a working public forum for the exchange of views, concerns, ideas, information, and recommendations relating to the quality of the natural environment.

(5) Recommend adoption or rejection by a majority of its membership present and voting any proposal by the department to adopt, modify or revoke:

(a) Any positions proposed to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the quality of the environment of the state;

(b) Any rule or regulation pertaining to the procedural aspects of hearings, appeals, the filing of reports, the issuance of orders, the issuance of permits, and the application for and the granting of exemptions; or

(c) Any procedures for the financial assistance grants proposed to be given to municipal, regional, county, or state organizations for environmental purposes; and

(6) Recommend adoption or rejection after public hearing by a majority of its membership present and voting any proposal by the department to adopt, modify, or revoke:

(a) Any comprehensive environment quality plan, program or policy proposed for adoption as a state plan or policy pertaining to an environmental management activity; or

(b) Any rule or regulation pertaining to the prevention, abatement, and control of existing or threatened air or water pollution, disposal of solid waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.

Section 6. A new section of KRS Chapter 224 is created to read as follows:

In any matter prepared and proposed to the commission for its recommendation pursuant to Sections 3 and 5 of this Act, such recommendation shall be effected by the affirmative vote of a majority of the members of the commission present and voting. The commission shall tender in writing its recommendation of adoption or rejection. If the department adopts any matter upon the commission's recommendation of rejection, the commissioner shall file with the commission a statement of the reason therefor.

Section 7. A new section of KRS Chapter 224 is created to read as follows:

No person shall be eligible to serve as a member of the Environmental Quality Commission who holds a permit for any purpose issued by the department or who is an officer, employee or agent, or who is a stockholder owning 7.5 percent or more of the voting stock of any corporation or organization holding a per-

mit issued by the department for any purpose, or who is an officer, employee, or agent of any trade association which represents any person, corporation or organization holding a permit issued by the department for any purpose.

Section 8. A new section of KRS Chapter 224 is created to read as follows:

The department is hereby designated as the water pollution agency for this state and for any city, county, or district, or authority within this state for all purposes of the Water Pollution Control Act, Public Law 80-845 approved June 30, 1948, as amended; as air pollution agency for this state for all purposes of the Federal Air Quality Act, Public Law 90-148, approved November 21, 1948, as amended, and as solid waste agency for this state for all purposes of the Federal Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, as amended. The department may take all action necessary or appropriate to secure to this state and all cities, counties, districts, and authorities within this state the benefits of such federal Acts.

Section 9. KRS 224.330 is amended to read as follows:

[It shall be unlawful for any] *No* person *shall,* directly or indirectly, [to] emit into or discharge into the air under the jurisdiction of the Commonwealth, or [to] cause, permit, or allow to be emitted or discharged into such air any contaminants as provided for in *Section 1 (1) of this Act* [subsection (7) of KRS 224.010] that shall cause or contribute to the pollution of the air of the Commonwealth in contravention of the emission standards or the ambient air standards adopted by the *department* [commission], or in contravention of any of the rules, regulations, or orders of the *department* [commission], or in contravention of any of the provisions of KRS *Chapter 224.* [224.310 to 224.460 and 224.991.]

Section 10. KRS 224.060 is amended to read as follows:

[(1) It shall be unlawful for any person,] *No person shall,* directly or indirectly, [to] throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or [to] cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any sewage, industrial wastes or other wastes that shall cause or contribute to the pollution of

the waters of the Commonwealth in contravention of the standards [of water quality], adopted by the *department* [commission] or in contravention of any of the rules, regulations or orders of the *department* [commission] or in contravention of any of the provisions of *KRS Chapter 224.* [224.010 to 224.060, 224.080 or 224.100.]

[(2) No new outlet through which sewage, industrial wastes, or other wastes are or may be thrown, drained, run or otherwise discharged into the waters of the Commonwealth shall be made or constructed by any person or persons after June 15, 1950, without first obtaining a permit to construct and use such outlet issued by the commission pursuant to rules and regulations to be prescribed by it.]

[(3) It shall be unlawful for any person to construct or install a disposal system, to make any change in, addition to or extension of any existing disposal system, or to operate any such new or existing system so changed, added to, or extended, without first obtaining from the commission approval of the plans and specifications therefor and a written permit for its construction and operation.]

[(4) No extension, modification or addition to any establishment located within the Commonwealth, the operation of which might cause or tend to cause a substantial increase in the discharge of industrial wastes or other wastes into the waters of the Commonwealth shall be constructed without first obtaining from the commission approval of the plans and specifications therefor and a written permit for its construction and operation.]

[(5) It shall be unlawful for any person who, on June 15, 1950, is discharging or permitting to be discharged into the waters of the Commonwealth any sewage, industrial wastes or other wastes, to continue or to permit the continuance of such discharge from and after the expiration of a period of twelve months after June 15, 1950, without first obtaining a permit therefor issued by the commission pursuant to rules and regulations to be prescribed by it.]

Section 11. A new section of KRS Chapter 224 is created to read as follows:

(1) No person shall have primary responsibility for the operation of any sewage system or portion thereof whether publicly or privately owned unless he has passed an examination

prescribed by the Department of Environmental Protection which shall determine his skill and competency for such operation and has been issued a certificate to that effect by the department.

(2) No person shall authorize or allow any person who does not hold a certificate issued pursuant to subsection (1) to have primary responsibility for the operation of any sewage system or portion thereof.

(3) The department may classify all sewage systems and portions thereof in the manner provided by the rules and regulations of the department with regard to size, type, physical conditions affecting such systems or portions thereof, and the skill, knowledge and experience required for the operation of the system or portion thereof and restrict the application of any certificate issued pursuant to subsection (1) to the operation of a sewage system or portion thereof of a specific class.

Section 12. A new section of KRS Chapter 224 is created to read as follows:

It is hereby declared to be the policy of this Commonwealth and the purpose of this Act to provide for the disposal of solid waste in a manner that will protect the public health and welfare, prevent the spread of disease and creation of nuisances, conserve our natural resources, and enhance the beauty and quality of our environment.

Section 13. A new section of KRS Chapter 224 is created to read as follows:

No person shall dispose of solid waste at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by the department.

Section 14. A new section of KRS Chapter 224 is created to read as follows:

No provision of Sections 12 through 15 of this Act shall be construed so as to prevent a person from disposing of solid waste from his own household upon his own land as long as such disposal does not create a nuisance or a hazard to health.

Section 15. A new section of KRS Chapter 224 is created to read as follows:

The Department of Environmental Protection shall not revoke, refuse to issue or refuse to renew permits to operators

of solid waste disposal sites or facilities solely because the operator uses an incinerator for disposing of solid waste material. Provided, however, that the department shall be empowered to revoke, refuse to issue or refuse to renew solid waste disposal permits if the operator has not complied with its regulations relating to permits to use incinerators, refuse burners and open burning. This section shall not prevent the department from revoking, refusing to issue or refusing to renew solid waste disposal permits due to the use of incinerators, refuse burning and open burning which it has not authorized.

Section 16. KRS 224.227 is amended to read as follows:

Each person engaged in such business for the purposes aforesaid shall file an application directly with the commissioner [, or through his authorized representatives in city, county or district health departments, to be forwarded to the commissioner] with such information as he may require. The application shall state the nature of the business, the post office address of the applicant, and the post office address at or from which the business is to be continued. If the applicant shall operate a branch or other places of business, the application shall so state. The application shall state any additional information as the commissioner may require. The application to engage in the business as herein defined shall be accompanied by a license fee of twenty-five dollars, payable to the Department of *Environmental Protection* [Health]. If the commissioner, after such investigation as he deems necessary, is satisfied that the applicant has the qualifications, experience, reputation and equipment to perform the services in a satisfactory manner and not detrimental to *the environment or to* public health, he shall issue or cause to be issued a license for the said business. The application for such license shall be made to the commissioner prior to March 1 of each year, and shall be accompanied by a surety bond tendered by a company registered in the Commonwealth of Kentucky, to indemnify persons for whom service and maintenance work is performed, if faulty; or with such sureties, form and sufficiency as shall be approved by the commissioner. Such bonds shall be in the amount of one thousand dollars for residents of the State of Kentucky and five thousand dollars for nonresidents. The commissioner shall be the obligee, and the bond shall be for the benefit and purpose to protect all persons damaged

by faulty workmanship in the servicing or maintaining of septic tanks, cesspools or seepage pits, and shall guarantee the appearance of the licensee to answer any summons within thirty days of notice to the bonding company of the issuance of such summons. Such bonds shall be conditioned upon the performance of the services in workmanlike and hygienic manner.

Section 17. KRS 224.230 is amended to read as follows:

All trucks or other vehicles used to transport or carry wastes from septic tanks, cesspools or seepage pits shall carry a license by the commissioner for inspection by his representative or any law enforcement agent. The application for such vehicle license shall be made prior to March 1 of each year, and shall state the make, model and year of such vehicle, as well as the capacity of the tank used in the removal of said waste from septic tanks, cesspools and seepage pits, and also such other information as the commissioner shall require. Each application shall be accompanied by a license fee of ten dollars for each vehicle sought to be licensed, payable to the Treasurer of the Commonwealth of Kentucky. If the commissioner, after such investigation as he deems necessary, is satisfied that such truck or vehicle and equipment is proper and hygienic for said purpose, he shall issue or cause to be issued a license for the use of said vehicle for said purpose. [Applications and fees for vehicles licensed under KRS 224.220 to 224.237 may be received by authorized representatives of the commissioner in city, county or district health departments, and the same forwarded to the commissioner with such information as he may require.] This license is not transferable from one vehicle to another, and all licenses shall expire on the last day of February of each year. In addition to the vehicle license, which shall be carried on the vehicle at all times, there shall be painted on both sides of said vehicle in letters not less than two inches high the words "*K.D.E.P.* [K.D.H.] licensed vehicle," and said words shall be followed with vehicle license number.

Section 18. KRS 224.233 is amended to read as follows:

(1) The tank shall be kept tightly closed in transit to prevent the escape of contents or odors, and the outside of all vehicles and accessory equipment shall be kept clean.

(2) Waste from any septic tank, seepage pit or cesspool may be dumped into municipal sewage treatment systems where available, but shall be subject to the requirements of said municipality.

(3) In the absence of such municipal disposal facilities, wastes may be buried on private property in locations over two hundred yards from any residence, public or private place of business, public gathering place or public thoroughfare, subject to written approval of the property owner. Said written approval must be preserved and carried on the vehicle for inspection; all such wastes must be so disposed of, as to create no public nuisance or health hazard. Burial may be required by the *department* [local health agency having jurisdiction].

(4) Waste removed from septic tanks, seepage pits or cesspools may be buried on the property from which it originates at least seventy-five feet from any water supply and twenty-five feet from any body of water, provided it is covered with at least twelve inches of earth and protected until settled.

(5) Under no conditions shall dumping be permitted into or adjacent to any public or private lake, pond, stream, river or any other body of water, nor shall any vehicle be permitted to pump directly from such body of water into said vehicle for flushing and cleaning the tank or other equipment on the vehicle.

(6) All services shall be conducted in a workmanlike manner and the property served left in a sanitary condition.

(7) After such services are rendered, the licensee or his service representative shall furnish the customer with a signed receipt upon payment in full for services, which receipt carries the business name and address, name of the owner of the business and *K.D.E.P.* [K.D.H.] vehicle license number as required under KRS 224.230.

Section 19. A new section of KRS Chapter 224 is created to read as follows:

No person shall emit beyond the boundaries of his property or from any moving vehicle any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity in contravention of any rule or regulation adopted by the department.

Section 20. A new section of KRS Chapter 224 is created to read as follows:

Any record or other information furnished to or obtained by the department shall be open to reasonable public inspection except that any record or information, not relating to emission data, which constitutes a trade secret and is designated as such by the owner or operator in accordance with the rules and regulations of the department shall be confidential and for the use only of the department and other departments, agencies and officers of the Commonwealth in the performance of their duties. Nothing herein shall be construed to prevent the use of such records or information by any department, agency, or officer of the Commonwealth in compiling or publishing reports, analyses or summaries relating to the general condition of the natural environment, nor shall anything herein prevent the disclosure of any record or other information to any agency or representative of the United States or to any subdivision of the Commonwealth for the purposes of administration or enforcement of any federal or local pollution control law. No such report, analysis or summary shall directly or indirectly, reveal information otherwise confidential under this section.

Section 21. A new section of KRS Chapter 224 is created to read as follows:

Notwithstanding any inconsistent provisions of law, whenever the commissioner finds, after investigation, that any person or combination of persons is causing, engaging or maintaining a condition or activity which, in his judgment, presents an imminent danger to the health or welfare of the people of the state or results in or is likely to result in irreversible or irreparable damage to natural resources, and relates to the prevention and abatement powers of the commissioner and it therefore appears to be prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, the commissioner may, without prior hearing, order such person or combination of persons by notice, in writing wherever practicable or in such other form as in the commissioner's judgment will reasonably notify such person or combination of persons whose practices are intended to be prescribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person or combination of persons shall immediately

discontinue, abate or alleviate such condition or activity. As soon as possible thereafter, not to exceed ten days, the commissioner shall provide the person or combination of persons an opportunity to be heard and to present proof that such condition or activity does not violate the provisions of this section. The commissioner shall adopt any other appropriate rules and regulations prescribing the procedure to be followed in the issuance of such orders. The commissioner shall immediately notify the Governor of any order issued pursuant to this section.

Section 22. A new section of KRS Chapter 224 is created to read as follows:

(1) Any person subject to any rule or regulation governing the emission or discharge of contaminants into the ambient air or waters of the Commonwealth promulgated by the department may apply for an exemption or partial exemption from such rule or regulation. The application shall be accompanied by such information and data as the department may require. The department may grant such an exemption or partial exemption if it finds that:

(a) The discharge occurring or proposed to occur does not or will not have a measurable impact on the quality of the ambient air or waters of the Commonwealth; and

(b) Compliance with the rules or regulations from which exemption is sought would produce serious hardship without equal or greater benefit to the public.

(2) Any person applying to the department for an exemption shall publish notice of his application in accordance with the rules and regulations of the department in at least one newspaper of general circulation in the county in which the emission or discharge sought to be exempted is located. The department shall promptly investigate the application, consider the relative interests of the applicant, other owners of property likely to be affected by the emission or discharge, and of the general public. If the department, in its discretion, concludes that a hearing should be held, or if any person files an objection to the granting of such exemption within thirty days from the date of the first publication of notice of the application, then a hearing shall be held in the manner prescribed by the rules and regulations of the department and the burden of proof shall be on the applicant for the exemption.

(3) No exemption or partial exemption pursuant to this section shall be granted for a period to exceed one year, but any such exemption or partial exemption may be renewed for like periods if no complaint is made to the department on account thereof or if, such complaint having been made and duly considered at a hearing held by the department in the manner provided in subsection (2), the department finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty days prior to the expiration of the exemption or partial exemption. Immediately prior to application for renewal the applicant shall give public notice of such application in accordance with rules and regulations of the department. Any renewal pursuant to this subsection shall be on the same grounds and subject to the same limitations and requirements as provided in subsection (1) of this section.

(4) An exemption, partial exemption, or renewal thereof shall not be a right of the applicant or holder thereof but shall be in the discretion of the department.

(5) Nothing in this section and no exemption, partial exemption, or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of Section 21 of this Act to any person or his property.

(6) In granting or denying an exemption, partial exemption, or renewal thereof, the commissioner shall issue a written statement of the facts and reasons leading to the decision and make such statement a part of the record of the action on the application.

Section 23. A new section of KRS Chapter 224 is created to read as follows:

(1) In granting an exemption the department may impose such conditions as this Act may require. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of this Act or of the department regulations, the department shall condition the grant of such exemption upon the posting of sufficient performance bond or other security to assure the correction of such violation within the time prescribed.

(2) Any exemption granted pursuant to the provisions of this section shall be granted for such period of time, not exceeding one year, as shall be specified by the department at the time of the grant of such exemption, and upon the condition that the person who receives such exemption shall make such periodic progress reports as the department shall specify. Such exemption may be extended from year to year by the department, but only if satisfactory progress has been shown.

Section 24. A new section of KRS Chapter 224 is created to read as follows:

(1) Whenever the department has reason to believe that a violation of any of the provisions of KRS Chapter 224 or any rule or regulation promulgated pursuant thereto has occurred it shall issue and serve upon the person complained against a written notice of the provision of KRS Chapter 224 or the rule or regulation alleged to have been violated and the facts alleged to constitute the violation thereof and shall require the person so complained against to answer the charges set out in the notice at a hearing before the department at a time not less than twenty-one days after the date of notice, except as provided in Section 21 of this Act.

(2) Any person not previously heard in connection with the issuance of any order or the making of any determination, including but not limited to the issuance, denial, modification, or revocation of any permit, by which he considers himself aggrieved may file with the department a petition alleging that such order or determination is contrary to law or fact and is injurious to him, alleging the grounds and reasons therefor, and demand a hearing. Unless the department considers that the petition is frivolous, it shall serve written notice of the petition on each person named therein and shall schedule a hearing before the department not less than twenty-one days after the date of such notice, except as provided in Section 21 of this Act. The right to demand a hearing pursuant to this section shall be limited to a period of thirty days after the petitioner has had actual notice of the order or determination complained of, or could reasonably have had such notice.

Section 25. A new section of KRS Chapter 224 is created to read as follows:

(1) All hearings under this Act shall be held before a qualified hearing officer, who may be a full-time employe of the department, serve by contract, or be paid on a per diem basis in the discretion of the department. After the final conclusion of the hearing, the hearing officer shall make to the commissioner a report and recommended order which shall contain a finding of fact and a conclusion of law. The hearing officer shall serve a copy of his report and recommended order upon all parties of record to the proceeding, and they shall be granted the right to file within seven days of receipt exceptions thereto. The commissioner shall consider the report and recommended order and pass upon the case. The decision shall be served by mail upon all parties and shall be a final order of the department.

(2) Any party to a hearing under this subsection may be represented by counsel, may make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of such actions. The record of such hearing shall be open to public inspection, and copies thereof shall be made available to any person upon payment of the actual cost of reproducing the original except as provided in Section 20 of this Act.

(3) All hearings conducted pursuant to this Act shall be open to the public except as provided in Section 20 of this Act.

Section 26. A new section of KRS Chapter 224 is created to read as follows:

(1) Appeals may be taken from all orders of the Department of Environmental Protection. Such appeals shall be taken within thirty days from the rendition of such order to the Franklin Circuit Court. The party or parties affected by the order shall file in the circuit court a petition which states fully the grounds upon which a review is sought and assign all errors relied on. The department shall be named respondent, and service shall be had on the commissioner. Summons shall issue upon the petition directing the department to send its entire record, properly bound, to the clerk of the circuit court after certifying that such record is its entire original record or a true copy thereof, which shall be filed by the clerk of the circuit court and such record shall then become and be considered by the circuit court on the review. After the case has been properly docketed in the circuit court, any party directly affected by the issues on

appeal, may, upon notice to the parties and upon proper showing and in the discretion of the court, be permitted to intervene. Upon hearing of the appeal the findings of the department shall be prima facie evidence of the facts found therein. The court shall review the entire record and the findings and order of the department.

(2) Appeals to the Court of Appeals from orders of the circuit court, shall be taken in the manner provided in the Kentucky Rules of Civil Procedure.

Section 27. KRS 109.010 is amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Garbage" means all putrescible animal and vegetable waste.

(2) "Refuse" means all putrescible and nonputrescible solid waste (except body waste) including, but not limited to, combustible trash, paper, cartons, boxes, barrels, woods, and noncombustibles including, but not limited to, material, dirt, glass, crockery and other mineral waste.

(3) "Disposal method" means any incinerator, sanitary landfill, or other method approved by the *Department of Environmental Protection* [State Department of Health] for disposing of garbage and refuse.

(4) "Collection system" means a system for collecting garbage and refuse by whatever method, and transporting said garbage and refuse from its source to the disposal site.

(5) "Person" means any individual, public or private corporation, political subdivision, copartnership, association, firm, estate, or other entity whatsoever.

(6) "Department" means the *Department of Environmental Protection* [Kentucky State Health Department].

(7) "Board of directors" or "Board" means the governing body of the garbage and refuse district.

[(8) "Chief engineer" means the engineer of the Kentucky State Health Department designated to that position pursuant to the provisions of KRS Chapter 211 and the administrative orders of the department.]

Section 28. KRS 109.110 is amended to read as follows:

The commissioner [The chief engineer of the department] shall, in addition to his other duties, advise and assist all districts in the performance of their duties under the provisions of this chapter and in accordance with the requirements of the department. [He shall be charged with other duties and services in relation thereto as the department may prescribe.]

Section 29. KRS Section 211.180 is amended to read as follows:

The department shall enforce the rules and regulations adopted by the board for the regulation and control of the matters set out below and shall formulate, promote, establish and execute policies, plans and programs relating to all matters of public health, including but not limited to the following matters:

(1) Detection, prevention, and control of communicable diseases, chronic and degenerative diseases, dental diseases and abnormalities, occupational diseases and health hazards peculiar to industry, home accidents and health hazards, animal diseases which are transmissible to man, and such other diseases and health hazards as may be controlled;

(2) The control of insects, rodents and other vectors of disease; the proper disposal of garbage, waste and other refuse; the safe installation and operation of plumbing and plumbing fixtures; [the safe disposal of human and other excreta;] the safe handling of food and food products; the safety of cosmetics; the control of narcotics, barbiturates and other drugs as provided by law; the purification of water for public and semipublic use; the proper construction and operation of public water purification plants and distribution systems, swimming pools; [and sewage treatment plants, including the issuance of permits to and the supervision of operators thereof;] the sanitation of schools, industrial establishments and other public and semipublic buildings; the sanitation of state and county fairs and other similar public gatherings; the sanitation of public and semipublic recreational areas; the sanitation of public rest rooms, trailer courts, hotels, tourist courts, and other establishments furnishing public sleeping accommodations; the review, approval or disapproval of plans for construction, modification or extension of food-handling estab-

lishment, water purification and distribution systems, swimming pools, [sewage treatment plants] and such other establishments, systems, plants and places as are designated by the board; the licensure of hospitals; and the control of such other factors as may be necessary to insure a safe and sanitary environment;

(3) Protection and improvement of the health of expectant mothers, infants, preschool and school age children;

(4) The practice of midwifery, including the issuance of permits to and supervision of women who practice midwifery;

(5) Protection and improvement of the health of the people through better nutrition.

Section 30. KRS 220.020 is amended to read as follows:

The *Commissioner of Environmental Protection* [director of the Division of Sanitary Engineering of the Department of Health] shall, in addition to his other duties, act as commissioner of sanitation districts, and is vested with jurisdiction, power and authority, when the conditions set forth in KRS 220.010 to 220.520 and certified to by the county board of health are found to exist, to establish sanitation districts within any county of the Commonwealth.

Section 31. KRS 220.210 is amended to read as follows:

[(1)] [The chief engineer shall be a registered professional engineer under the laws of this state, and may be an individual, partnership or corporation. Before a chief engineer may be employed his qualifications must be approved in writing by the State Board of Health.]

[(2)] The chief engineer shall be superintendent of all the works and improvements, and shall make a full report to the board of directors each year, or oftener if required. He shall make such suggestions and recommendations to the board as he deems proper, and shall advise the board concerning matters pertaining to engineering, design, construction and operation of the sanitation system and district. A copy of his reports shall also be filed with the commissioner of sanitation districts.

Section 32. KRS 220.240 is amended to read as follows:

Upon the completion of the plan the board of directors shall submit it to the *Department of Environmental Protection* [State

Board of Health] for approval. If the *Department of Environmental Protection* [State Board of Health] refers the plan back for amendment, the board of directors shall prepare and submit an amended plan. If the *Department of Environmental Protection* [State Board of Health] rejects the plan, the board of directors shall proceed as provided in KRS 220.220 to prepare another plan. If the *Department of Environmental Protection* [State Board of Health] approves the plan, a copy of the action of the *Department of Environmental Protection* [State Board of Health] shall be filed with the secretary of the board of directors and by him incorporated into the records of the district.

Section 33. KRS 220.250 is amended to read as follows:

Upon the approval of the official plan by the *Department of Environmental Protection* [State Board of Health] the board of directors shall pass a resolution accepting the official plan as final and fixing all financing, taxes and rentals as authorized by KRS 220.010 to 220.520 necessary for the construction, maintenance, and operation required to place the plan in effect. After final resolutions are passed fixing the rates and rentals, no alterations of the plan shall be made except as provided herein and as approved by the *Department of Environmental Protection* [State Board of Health].

Section 34. KRS 220.260 is amended to read as follows:

After the establishment of the district and the organization of the board of directors, no person or public corporation shall install within the district any laterals, trunk lines, interceptors for the collection or discharge of sewage or other liquid waste, treatment or disposal works, until the plans therefor have been submitted to and approved by the board of directors of the district and the *Department of Environmental Protection* [State Board of Health]. Any installation contrary to the provisions of this section shall constitute a nuisance and shall be abated by injunction upon proper application by anyone aggrieved, including the district, the commissioner, the *Department of Environmental Protection* [State Board of Health, or the county board of health].

Section 35. KRS 220.320 is amended to read as follows:

Where necessary in order to secure the best results from the construction operation and maintenance of the works and

improvements of the district or construction subdistricts and to prevent their damage from misuse, the board of directors may make and enforce regulations pertaining to the use by persons and public corporations of the works and improvements of the district or construction subdistricts. Such regulations may prescribe the design, construction and use of sewers within the district or construction subdistricts and the manner in which connections to laterals, trunk sewers, intercepting sewers and to other works of the district or construction subdistricts shall be made, may prevent the unnecessary pollution of any watercourse or supply within the districts or construction subdistricts and may prohibit the discharge into such sewers of any wastes deemed detrimental to the works and improvements of the district or construction subdistricts. Such regulation shall have no effect until approved by the *Department of Environmental Protection* [State Board of Health]. The board may recover by civil action from any person or public corporation violating such regulations, a sum not less than one hundred dollars nor more than one thousand dollars for each offense, together with costs. The directors may enforce by mandamus or otherwise all necessary and authorized regulations made by them, and may remove any improper construction or close any connections made improperly or in violation of the regulations. Any person or public corporation willfully failing to comply with the regulations shall be liable for damages caused by such failure and for the cost of renewing any construction damaged or destroyed.

Section 36. KRS 220.510 is amended to read as follows:

(1) The board of directors shall, by resolution, determine the rates and compensation or rentals to be charged for the use of the sanitary works. The board of directors may provide for a sewer service charge to be imposed and collected, beginning at the time the plan for the improvement has been approved by the *Department of Environmental Protection* [State Board of Health] and work is begun on plans and specifications for the improvement. The rates shall at all times be reasonable, taking into account the cost of the works, the cost of operation and maintenance, and the amount necessary for the amortization of the bonds issued to finance the works. The same schedule of rates and charges shall apply to all users of the same class. The rates shall be binding upon all users of the system.

The board may alter and revise the rates in its discretion. In case of failure of any user to pay for services rendered, the board may compel payment and may enjoin further use until the payment is made, or it may institute an action in any court having jurisdiction for the recovery of charges for services rendered, or the board, may, by a notice in writing, signed by its chairman or any member of said board, notify the municipality, or person, firm, or corporation which furnishes water to the user's premises, to shut off the water service to said user's premises, until such time as all delinquent charges, plus a reasonable charge for turning off and on the water service, against said user, are paid in full. Upon receipt of such notice in writing, the municipality, or the person, firm or corporation, which furnishes water to the said user's premises shall immediately shut off and discontinue the water service to the said user's premises. Upon full payment of such account, plus a reasonable charge for turning off and on the water service, the chairman, or any member of said board, shall notify the said municipality, person, firm or corporation, which furnishes water to said user, that the account is paid in full, including such reasonable charge for turning off and on the water service, and that the said water service can again be provided to said user's premises. The board of directors shall promptly pay to such municipality, person, firm or corporation, such fee or charge collected for turning off and on such water service. The board may enter into contracts with public corporations or other large users of sewer services. The board may provide by resolution any provisions and stipulations it deems necessary for the administration of the revenue of the district, and for the security of the bondholders.

(2) No monies received on account of the existence or operation of construction subdistricts shall be used for the payment of district obligations, and no other monies received by the district shall be used for the payment of construction subdistrict bonds or obligations. Except as provided in the preceding sentence the use of all monies of the district received from any and all sources is hereby limited exclusively and shall be devoted solely to the payment of all obligations of the district and board created by KRS 220.010 to 220.540, and no funds from any sources authorized by KRS 220.010 to 220.540 shall be diverted to any other purposes than those in KRS 220.010 to

220.540 set forth, except that the district shall pay from district area revenues an equitably allocable share of the cost of constructing and operating any nondistrict area facilities to which sewage from the district area is diverted in order to relieve district facilities from excessive sewage and costs described in KRS 220.561 but otherwise paid for.

Section 37. KRS 223.160 is amended to read as follows:

It is the intent of KRS 223.160 to 223.220 and 223.991 that every operator in responsible charge of a water treatment plant[,] *or* water distribution system[, and sewage treatment plant] be required to hold a valid and effective certificate of competency issued by the State Department of Health in a class equal to or higher than the class of the particular treatment plant or distribution system where he is currently employed in order to protect the public health. Operators other than those in responsible charge of such facilities shall also be eligible to apply for certification.

Section 38. KRS 223.170 is amended to read as follows:

The State Department of Health shall certify persons as to their qualifications to supervise successfully the operation of water treatment plants[,] *or* water distribution systems[, and sewage treatment plants] after considering the recommendations of a Board of Certification which shall be appointed by the Commissioner of Health. The board shall consist of the following: two members who are currently employed as water works operators holding valid certificates; [two members who are currently employed as sewage treatment plant operators holding valid certificates;] one member employed by a municipality who holds the position of either city manager, city engineer, director of public works, or the equivalent thereof; one member who is a faculty member of a college, university, or professional school whose major field is related to water supply [and sewage treatment]; and one ex officio member representing the State Department of Health. Board members shall serve for a four year term or until their successors are appointed and qualify. The State Health Department representative shall serve as executive secretary and treasurer of the board and be responsible for maintaining records. The members of the board shall serve

without compensation, but may be reimbursed for all actual and necessary expenses incurred while discharging their official duties.

Section 39. KRS 223.180 is amended to read as follows:

The State Department of Health shall classify all water treatment plant[,] *and* water distribution systems[, and sewage treatment plants] with due regard to size, type, physical conditions affecting such treatment plants and distribution systems, and according to the skill, knowledge and experience that the operator must have to supervise successfully the operation of such water treatment plants[,] *and* water distribution systems[, and sewage treatment plants] so as to protect the public health.

Section 40. KRS 223.190 is amended to read as follows:

[One year following June 16, 1966, all] *All* water treatment plants[,] *and* water distribution systems, [and sewage treatment plants,] whether publicly or privately owned, shall be under the supervision of an operator whose competency is certified to by the State Department of Health in a grade corresponding to the classification of the water supply system [or sewage treatment plant] to be supervised. All operators holding valid and effective certificates issued under existing regulations of the State Board of Health on June 16, 1966 may, within the discretion of the State Department of Health, be issued new certificates without examination for any appropriate new classifications that may be established by the regulations adopted hereunder or such certificates may be continued in effect.

Section 41. KRS 223.200 is amended to read as follows:

(1) The State Board of Health, with the advice of the Board of Certification, shall adopt rules and regulations as are reasonably necessary to carry out the intent of KRS 223.160 to 223.220 and 223.991. The rules and regulations may include, but are not limited to, provisions establishing standards for classification of water treatment plants[,] *and* water distribution systems, [and sewage treatment plants,] provisions establishing qualifications of applicants and procedures for examination of candidates, membership, and duties of the Board of Certification, provisions relating to the renewal, cancellation or revocation of certificates, including the specifications of the grounds

therefor, and such other provisions as are necessary for the administration of KRS 223.160 to 223.220 and 223.991.

(2) All rules and regulations heretofore adopted by the State Board of Health relating to the certification of operators of water treatment plants[,] *and* water distribution systems[, and sewage treatment plants] and on file with the Legislative Research Commission on June 16, 1966 are hereby declared to be in full force and effect until otherwise amended or repealed.

Section 42. KRS 223.210 is amended to read as follows:

[On and after one year following June 16, 1966 it] *It* shall be unlawful for any person, firm, or corporation, (municipal or private) to operate a water treatment plant[,] *or* water distribution system [or sewage treatment plant] unless the competency of the operator who is in direct responsible charge is duly certified to by the State Department of Health under the provisions of KRS 223.160 to 223.220 and 223.991. It shall be unlawful for any person to perform the duties of an operator, in direct responsible charge, without being duly certified under the provisions of KRS 223.160 to 223.220 and 223.991. The State Department of Health may, however, issue provisional certificates for emergency situations.

Section 43. KRS 224.100 is amended to read as follows:

KRS 224.010 to 224.060, 224.080 and 224.100 *and the provisions of this Act* shall not be construed as repealing any of the laws of the Commonwealth relating to the pollution of the waters thereof or any conservation laws, but shall be held and construed as ancillary and supplementary thereto, except to the extent that the same may be in direct conflict with KRS 224.010 to 224.060, 224.080 or 224.100 *and the provisions of this Act.*

Section 44. KRS 224.110 is amended to read as follows:

Where the injury, death, or destruction of fish or other wildlife results from pollution as defined in *Section 1 of this Act* [KRS 224.010] or from any violation of the orders, rules, regulations, or other determinations of the commission, the person responsible therefor shall be liable to the Commonwealth in an amount reasonably necessary to restock or replenish such fish or wildlife. The Commonwealth shall, in addition to the penalties

provided for in *Section 92 of this Act* [KRS 224.990], be empowered to seek the recovery of such damages in any court of competent jurisdiction in this Commonwealth in the event the person responsible fails or refuses to pay for the restocking or replenishing of such fish or wildlife in the water or area affected.

Section 45. KRS 224.120 is amended to read as follows:

All monies collected by the *department* [commission], or the Attorney General on its behalf, under the provisions of KRS *Chapter 224* [224.010 to 224.060, 224.080 and 224.100] shall be paid into the State Treasury and credited to *the General Expenditure Fund.* [a trust and agency fund to be used by the commission in carrying out the provisions of this chapter. No part of this fund shall revert to the general fund of the Commonwealth.]

Section 46. KRS 224.130 is amended to read as follows:

Any corporation authorized to do business in this state and organized for the purpose of constructing, maintaining and operating sewer lines and sewerage treatment facilities may, if it is unable to contract or agree with the owner after a good faith effort to do so, condemn rights-of-way necessary for constructing, maintaining and operating its pipelines and, if necessary, pumping stations; and the necessary ingress and egress to examine, alter, repair and maintain such pipelines. The condemnation proceedings shall be conducted in the manner provided in KRS 416.230 to 416.310. Provided, however, that before any corporation shall be authorized to use the provisions of this section, it shall have presented plans and specifications to the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] and received from said *department* [commission] a permit to operate and maintain said sewage treatment facilities together with an approval of the discharge of the treated effluent from said facilities to a specific point of the waters of this Commonwealth. Provided, further that any person wishing to object to a pipeline or plant location subject to the provisions of this section shall have the right to have his objections heard by said *department* [commission] pursuant to the provisions of KRS 224.080.

Section 47. KRS Section 224.205 is amended to read as follows:

(1) A three-member Interstate Water Sanitation Board is established. The members of the board shall serve as Kentucky's members of interstate water sanitation control commissions created by compacts to which Kentucky is a party, which compacts are composed of states forming a river basin, and which compacts require a three member representation from each state. The Governor shall appoint two of the board members, each of whom shall be a resident and citizen of this state. Two of the members shall be appointed for terms of four years each, and shall hold office until their successors are appointed and qualified, subject to removal at the pleasure of the Governor. The Commissioner of *Environmental Protection* [Health] shall, ex officio, be the third member of the board. Except as otherwise provided by the respective compacts, the ex officio member may delegate to any deputy or other subordinate in his department the power to be present and participate, including the right to vote, as his representative or substitute at any meeting, hearing or other proceeding of the commissions.

(2) The membership of the first interstate Water Sanitation Board shall be composed of the membership of the Ohio River Valley Water Sanitation Commission existing on June 19, 1958, and the terms of the appointed members shall be effective from the date of their appointment to the Ohio River Valley Water Sanitation Commission.

Section 48. KRS 224.340 is amended to read as follows:

In exercising the power conferred upon it by this chapter the *Department of Environmental Protection* [commission] shall give due recognition to the policy as heretofore expressed in KRS 224.320. The *department* [commission] in fixing standards, shall require the use of all available, practical, and reasonable methods to prevent and control air pollution in the Commonwealth of Kentucky. It shall give due recognition to the quantity of characteristics of air contaminants or the duration of their presence in the atmosphere. It shall take into consideration in this connection such factors, among others, found by it to be proper and just, existing physical conditions, public benefit, that the degree of conformance therewith that may be proper as to an essentially residential area of the state may not be proper as to a highly industrial area of the state, and, further, the relationship between the intensity and composition of air pollution and

the health of the public and damage to or interference with enjoyment of property. It shall give reasonable consideration to the interests of all parties concerned.

Section 49. KRS 224.450 is amended to read as follows:

(1) Each county which pursuant to the provisions of KRS Chapter 77 has established or subsequent to the enactment of KRS 224.310 to 224.460 and 224.991 will establish a local Air Pollution Control Program, shall submit a synopsis of said program together with such standards and procedure as are enacted by regulations to the [state] department for approval within a period of ninety days from the enactment hereof, or a period of ninety days of the establishment of said local program.

(2) If after review by the *department,* [commission] and a public hearing held in the county activating a district, the *department* [commission] determines that the air pollution control district has adopted standards and procedures and has the necessary staff to implement the program in a manner consistent with the objectives of *this Act and* KRS 224.310 to 224.460 and 224.991, concurrent jurisdiction may be granted the air pollution control district for the administration and enforcement of the aforesaid statutes. The air pollution control district shall adopt no regulation or standard less stringent than a regulation or standard adopted by the *department,* [commission except that standards and regulations for carriers engaged in intrastate and interstate commerce shall be not more stringent than those adopted by the commission] and shall submit prepared regulations and standards to the *department* [commission] for prior concurrence. Periodic reports shall be made to the *department and to the* commission as shall be provided for by regulation. If the *department* [commission] shall determine, after hearing with notice, that a district program is not being administered in accordance with the statutes and regulations of the *department* [commission] or the district, the grant of authority may be suspended, revoked, or modified by order of the *department* [commission].

(3) This provision shall in no way diminish the authority of the *department* [commission] to administer and enforce the provisions of *this Act and* KRS 224.310 to 224.460 and 224.991.

(4) The *department* [commission] shall be empowered to enforce any and all regulations or standards in any district when concurrent jurisdiction is granted.

(5) When enforcement actions are taken by the district, the local Commonwealth's, county, and city prosecuting attorneys, instead of the Attorney General shall prosecute such actions.

Section 50. KRS 224.515 is amended to read as follows:

Pursuant to Article III of the compact set forth in KRS 224.510, the Governor shall appoint *four* [three] commissioners in addition to the Commissioner of *Environmental Protection* [Health and the officer in charge of air pollution control,] as members of the interstate air pollution control commission. The commissioners shall promulgate rules and regulations to carry out more effectively the terms of the compact. The commissioners shall cooperate with all departments, agencies, and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact and all such departments, agencies, and officers shall cooperate with the commissioners.

Section 51. KRS 224.520 is amended to read as follows:

Any payments necessary to discharge any financial obligations imposed upon the State of Kentucky by the compact, as provided in KRS 224.510, shall be made from the general fund appropriations to the Interstate Air Pollution Control Commission upon presentation to the Department of Finance of itemized vouchers signed by the *Commissioner of Environmental Protection* [executive director of the commission].

Section 52. KRS 235.420 is amended to read as follows:

No person shall discharge or permit the discharge of sewage, industrial wastes or other wastes to the waters of the Commonwealth from any vessel except as specifically authorized by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission].

Section 53. KRS 235.430 is amended to read as follows:

No person shall dispose of sewage accumulated in a holding tank or other similar container on a vessel in such manner that

the sewage reaches or may reach the waters of the Commonwealth except through a disposal system or treatment works approved by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission].

Section 54. KRS 235.440 is amended to read as follows:

No motorboat equipped with marine toilet facilities shall be operated on the waters of the Commonwealth unless such motorboat is equipped with a water pollution control device of one of the following types:

(1) Holding tanks. Holding tanks approved for use as water pollution control devices shall meet the following criteria:

(a) Be so constructed and installed as to provide for discharge of its contents only by pumping and to eliminate discharges by gravity flow;

(b) Be constructed of materials capable of withstanding the corrosive effects of sewage and odor inhibitors;

(c) Be vented so as to prevent the escape of gases and odors to motorboat interiors.

(2) Incinerators. Incinerators approved for use as water pollution control devices shall meet the following criteria:

(a) Be so designed and constructed as to reduce sewage completely to an inert ash and provide a satisfactory means of ash removal;

(b) Be vented so as to prevent the escape of gases and odors to motorboat interiors and otherwise minimize the presence of objectionable conditions. Forced air ventilation must be provided for use at all times during the incineration operating cycle;

(c) Provide safeguards to minimize the dangers of shock or explosion from operation of the unit.

(3) Devices with effluent discharges. Types of water pollution control devices providing for discharges of treated sewage to the waters of the Commonwealth shall be approved or disapproved on an individual basis by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission]. In approving or disapproving such types of devices the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] shall consider whether the quality of performance of the type of device has been certified by the

National Sanitation Foundation or a comparable national testing agency approved by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] as meeting its criteria, and the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] shall consider such other factors as it deems appropriate to prevent and abate water pollution.

All water pollution control devices approved for use on motorboats with marine toilet facilities shall be maintained in satisfactory working condition at all times that the motorboat is in operation.

Section 55. KRS 235.450 is amended to read as follows:

For the purposes of KRS 235.440, a motorboat shall not be deemed to be equipped with marine toilet facilities if the facilities are rendered inoperable in a manner approved by the *Department of Environmental Protection* [Kentucky Water Pollution Control Commission].

Section 56. KRS 235.460 is amended to read as follows:

The *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] shall, upon request, furnish interested persons a list of the approved types of water pollution control devices currently available and acceptable for use on motorboats on the waters of the Commonwealth.

Section 57. KRS 235.470 is amended to read as follows:

The *Department of Environmental Protection* [Kentucky Water Pollution Control Commission] shall issue such regulations and standards and approve such equipment as may be necessary for the proper enforcement of the provisions of KRS 235.410 to 235.470.

Section 58. KRS 350.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Strip mining" means *the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal*

of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when conducted solely in aid of on-site farming or construction. [all or any part of the process followed in the production of coal by the open pit or open cut method, the auger method, highwall mining method which requires a new cut or removal of overburden, or any other mining method or process in which the strata or overburden is removed or displaced in order to recover the coal, or in which the overburden is removed for the purpose of determining the location, quality or quantity of a natural coal deposit;]

(2) "Overburden" means all of the earth and other materials which lie above a natural deposit of coal and also means such earth and other material after removal from their natural state in the process of strip mining;

(3) "Area of land affected" means the area of land from which overburden is to be or has been removed and upon which the overburden is to be or has been deposited and shall include all lands affected by the construction of new roads or the improvement or use of existing roads other than public roads, to gain access and to haul coal;

(4) "Operation" means all the premises, facilities, roads and equipment used in the process of producing coal from a designated strip mine area or removing overburden for the purpose of determining the location, quality or quantity of a natural coal deposit;

(5) "Method of operation" means the method or manner by which the cut or open pit is made, the overburden is placed or handled, water is controlled and other acts are performed by the operator in the process of uncovering and removing the coal;

(6) "Operator" means any person, partnership or corporation engaged in strip mining who removes or intends to remove more than one hundred tons of coal from the earth by strip mining within twelve successive calendar months or who removes overburden for the purposes of determining the location, quality or quantity of a natural coal deposit;

(7) "Person" means any person, partnership or corporation;

(8) "Division" means the Division of Reclamation;

(9) "Director" means the Director of the Division of Reclamation of the Department of *Environmental Protection* [Natural Resources];

(10) "Department" means the Department of Environmental Protection;

[(10) "Commission" means the Reclamation Commission;]

(11) "Reclamation" means the reconditioning of the area of land affected by strip mining under a plan approved by the division;

(12) "Degree" when used in this chapter shall mean from the horizontal, and in each case shall be subject to a tolerance of five percent of error;

(13) "Bench" means the ledge, shelf or terrace formed in the contour method of strip mining;

(14) "Fill bench" means that portion of the bench which is formed by depositing overburden beyond the cut section.

Section 59. KRS 350.020 is amended to read as follows:

The General Assembly finds that the unregulated strip mining of coal causes soil erosion, damage from rolling stones and overburden, landslides, stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increases the likelihood of floods, destroys the value of land for agricultural purposes, destroys aesthetic values, counteracts efforts for the conservation of soil, water and other natural resources, destroys or impairs the property rights of citizens, creates fire hazards and in general creates hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The General Assembly further finds that lands that have been subjected to strip mining and have not been reclaimed and rehabilitated in accordance with modern standards constitute the aforementioned perils to the welfare of the Commonwealth. The General Assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of the strip mining of coal due primarily to difference in topographical and geological conditions, and by reasons thereof it is necessary, in order to

provide the most effective, beneficial and equitable solution to the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the General Assembly. Therefore, it is the purpose of this chapter to provide such regulation and control of the strip mining of coal as to minimize or prevent its injurious effects on the people and resources of the Commonwealth. To that end, the division and *the department* [commission] are directed to rigidly enforce this chapter and to adopt whatever regulations are found necessary to accomplish the purpose of this chapter.

Section 60. KRS 350.028 is amended to read as follows:

The *Department of Environmental Protection* [Reclamation Commission] shall have and exercise the following authority and powers:

(1) To adopt *in the manner prescribed in Sections 3(16) and 5(5) and (6) of this Act*[, after giving notice to all operators actively engaged in strip mining and affording them an opportunity to appear and offer evidence at a public hearing, general] rules and regulations pertaining to strip mining to accomplish the purposes of this chapter;

[(2) To adopt, without hearings, rules and regulations with respect to procedural aspects of commission hearings;]

(2) [(3)] To conduct *investigations and* hearings under provisions of this chapter *and KRS Chapter 224* or regulations adopted *pursuant thereto.* [by the commission and for the purpose of any investigation or hearing, the commission, or any member thereof may administer oaths or affirmations, subpoena witnesses, compel their attendance, take evidence and require production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commission deems relevant or material to the inquiry;]

(3) [(4)] To issue after hearing, orders requiring an operator to adopt such remedial measures as are necessary to comply with this chapter and regulations adopted pursuant thereto;

(4) [(5)] To issue after a hearing, a final order directing the division to revoke a permit, when the requirements set forth by the notice of noncompliance, order of suspension,

or an order of the *department* [commission] requiring remedial measures have not been complied with according to the terms therein.

Section 61. KRS 350.029 is amended to read as follows:

The *department* [Reclamation Commission] is hereby authorized and empowered to adopt, after public hearing, reasonable regulations in order to formulate and establish effective programs for the control of surface soil disturbance in connection with mining as defined by the Interstate Mining Compact. Such regulations shall follow the general standards established in Article III of the Interstate Mining Compact. The *department* [Reclamation Commission] shall have the authority to adopt such regulations prior to the effective date of the Interstate Mining Compact and irrespective of whether the State becomes a member or withdraws from membership in the Interstate Mining Compact. Nothing in this section shall be construed to grant the *department* [Reclamation Commission] additional authority in regulating the strip mining of coal or clay, and the authority granted to the *department* [Reclamation Commission] by this section shall be separate from the powers of the *department* [Commission] already enacted relating to the strip mining of coal and clay.

Section 62. KRS 350.032 is amended to read as follows:

(1) In case of refusal to obey a subpoena issued to any person, the Franklin Circuit Court, upon application by the *department* [commission], may issue to that person an order requiring him to appear before the *department* [commission], there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

(2) Any person aggrieved by a final order of the *department* [commission] may obtain a review of the order by filing in the Franklin Circuit Court, within *thirty* [sixty] days after the entry of the order, a written petition praying that the order be modified or set aside in whole or in part. A copy of the petition shall be forthwith served upon the *department* [commission], and thereupon the *department* [commission] shall certify

and file in court a copy of the record before the *department* [commission], including therein all pleadings, orders, documentary exhibits and the stenographic transcript of the testimony taken before the *department* [commission]. When these have been filed, the court shall have exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part. No objection to the order may be considered by the court unless it was urged before the *department* [commission] or there were reasonable grounds for failure to do so. The findings of the *department* [commission] as to the facts, if supported by substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for failure to adduce the evidence in the hearings before the *department* [commission], the court may order that additional evidence be taken before the *department* [commission] in such manner and upon such condition as the court may consider proper. The *department* [commission] may modify its findings as to the facts, by reason of the additional evidence so taken; and it shall file any modified or new findings with the court, which if supported by substantial evidence shall be conclusive, and any recommendation for the modification or setting aside of the original order. The commencement of the proceedings under this section does not, unless specifically ordered by the court, operate as a stay of the *department's* [commission's] order. An appeal may be taken from the judgment of the Franklin Circuit Court to the Court of Appeals on the same terms and conditions as an appeal is taken in any civil action.

Section 63. KRS 350.035 is amended to read as follows:

The Director of the Division of Reclamation shall be appointed by the Commissioner of *Environmental Protection* [Natural Resources] in accordance with KRS 12.050.

Section 64. KRS 350.050 is amended to read as follows:

The Division of Reclamation of the Department of *Environmental Protection* [Natural Resources] under the supervision of the Commissioner of *Environmental Protection* [Natural Resources] shall have and exercise the following authority and powers:

(1) To exercise general supervision and administration and enforcement of this chapter and all rules and regulations and orders promulgated thereunder;

(2) To encourage and conduct investigations, research, experiments and demonstrations, and to collect and disseminate information relating to strip mining and reclamation of lands and waters affected by strip mining;

(3) To adopt, without hearing, rules and regulations with respect to the filing of reports, the issuance of permits and other matters of procedure and administration;

(4) To examine and pass upon all plans and specifications submitted by the operator for the method of operation, backfilling, grading and for the reclamation of the area of land affected by his operation;

(5) To make investigations or inspections which may be deemed necessary to insure compliance with any provisions of this chapter;

(6) To order, through personnel of the division, the suspension of any permit for failure to comply with any of the provisions of this chapter or any regulations adopted pursuant thereto;

(7) To order, through personnel of the division, the stopping of any operation that is started without first having secured a permit as required by this chapter.

Section 65. KRS 350.060 is amended to read as follows:

(1) No operator shall engage in strip mining without having first obtained from the *department through the* division a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one year from the date of its issuance;

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area within five hundred feet of any part of the affected area;

(c) The owner or owners of the coal, to be mined;

(d) The source of the applicant's legal right to mine the coal on the land affected by the permit;

(e) The permanent and temporary post office addresses of the applicant;

(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;

(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) if known, ten percent or more of any class of stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

(3) The application for a permit shall be accompanied by two copies of a United States Geological Survey topographic map on which the operator has indicated the location of the operation, the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map;

(4) The application for a permit shall be accompanied by two copies of an enlarged United States Geological Survey topographic map meeting the requirements of the subsections below. The map shall:

(a) Be prepared and certified by a professional engineer, registered under the provision of KRS Chapter 322. The certification shall be in the form as provided in subsection (5) below;

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining and the boundaries of surface properties and names of owners on the affected area and within five hundred feet of any part of the affected area;

(d) Be of a scale of not less than four hundred feet to the inch and not to exceed six hundred and sixty feet to the inch;

(e) Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land affected and within five hundred feet of such area;

(f) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north point and the quadrangle name;

(h) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge;

(5) The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the strip mining laws of this state." The certification shall be signed and notarized. The division may reject any map as incomplete if its accuracy is not so attested;

(6) In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto;

(7) A basic fee of *one hundred and fifty dollars plus thirty-five dollars* [fifty dollars plus twenty-five dollars] for each acre or fraction thereof of the area of land to be affected by the operation shall be paid before the permit required herein shall be issued. The operator shall file with the division a bond payable to the Commonwealth of Kentucky with surety satisfactory to the division in the penal sum to be determined by the *department* [commission] on the recommendation of the director

of not less than *two* [one] hundred dollars nor more than *one thousand* [five hundred] dollars for each acre or fraction thereof of the area of land affected, with a minimum bond of two thousand dollars, conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the *department* [commission]. In determining the amount of the bond within the above limits, the *department* [commission] shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of backfilling, grading and reclamation to be required. In a particular instance where the circumstances are such as to warrant an exception, the *department* [Commission], in its discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

Section 66. KRS 350.080 is amended to read as follows:

An operator may conduct other mining operations from premises covered by a strip mining permit with approval of the *department* [commission], subject to the provisions of KRS Chapter 351 and 352. In applying to the *department* [commission] for such approval, he shall furnish the *department* [commission] with a revised copy of the map of the area on which his permit was based on which he shall designate other mining locations, the location of outside haulageways and other parts of the area necessary to the conduct of other mining operations. The *department* [commission] may authorize the operator to defer the reclamation of the area covered by such operations during such time as other bona fide mining operations are carried out. The bond covering that area shall remain in effect until reclamation of it has been completed by the operator under a plan approved by the *department* [commission].

Section 67. KRS 350.085 is amended to read as follows:

(1) No application for a permit shall be approved by the division if there is found on the basis of the information set forth in the application that the requirements of this chapter or regulations will not be observed or that there is not probable cause to believe that the proposed method of operation, backfilling, grading or reclamation of the affected area can be carried out consistent with the purpose of this chapter;

(2) If the division finds that the overburden on any part of the area of land described in the application for a permit is such that experience in the Commonwealth with a similar type of operation upon land with similar overburden shows that substantial deposition of sediment in stream beds, landslides or acid water pollution cannot feasibly be prevented, the division may delete such part of the land described in the application upon which such overburden exists;

(3) If the division finds that the operation will constitute a hazard to a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake or other public property, the division shall delete such areas from the permit application before it can be approved;

(4) The division shall not give approval to strip mine any area which is within one hundred feet of any public road, stream, lake or other public property and shall not approve the application for a permit where the strip mining operation will adversely affect a state, national or interstate park unless adequate screening and other measures as approved by the *department* [commission] are incorporated into the permit application.

Section 68. KRS 350.090 is amended to read as follows:

(1) Under the provisions of this chapter and regulations adopted by the *department* [commission], an operator shall prepare and carry out a method of operation, plan of grading and backfilling and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and the plans of backfilling, grading and reclamation, all measures shall be taken to eliminate damages to members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, rolling stones and overburden, water pollution and hazards dangerous to life and property. The plan shall be submitted to the division and the division shall notify the applicant by registered mail within twenty working days after receipt of the plans and complete application if it is or is not acceptable. If the plan is not acceptable, the division shall set forth the reasons for which the plan is not acceptable and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the division, he may, by written notice, request a hearing *con-*

ducted by the department in the manner provided by Section 25 of this Act [by the commission]. The *department* [commission] shall notify the applicant by registered mail within twenty days after the hearing of its decision. Any person aggrieved by a final order of the *department* [commission] may appeal through the courts as set forth in *Section 26 of this Act* [KRS 350.032];

(2) In addition to the method of operation, grading, backfilling and reclamation requirements of this chapter and regulations adopted pursuant thereto, the operator, consistent with the directives of subsection (1) above, shall be required to perform the following:

(a) Cover the face of the coal with compacted nonacid bearing and nontoxic materials to a distance of at least four feet above the seam being strip mined or by a permanent water impoundment;

(b) Bury under adequate fill all toxic materials, roof, coal, pyritic coal or shale determined by the division to be acid producing, toxic, or creating a fire hazard;

(c) Seal off, as directed by regulations, any break through of acid water creating a hazard;

(d) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters;

(e) Remove or bury all metal, lumber, and other refuse resulting from the operation;

(3) No operator shall throw, dump, pile or permit the dumping, piling or throwing or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060 or place such materials herein described in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.

Section 69. KRS 350.093 is amended to read as follows:

(1) On lands where the method of operation does not produce a bench (area strip mining), complete backfilling shall be required, beginning at or beyond the top of the highwall and sloped to the toe of the spoil bank at a maximum angle not to exceed the approximate original contour of the land with no depressions to accumulate water. Such backfilling shall eliminate all highwalls and spoil peaks. Whenever directed by the division, the operator shall construct in the final grading, such diversion ditches or terraces as will control the water runoff on long uninterrupted slopes. Additional restoration work may be required by the division according to regulations adopted by the *department* [commission].

(2) On lands where the method of operation produces a bench (contour strip mining), terrace backfilling shall be required and performed as follows:

(a) All highwalls must be reduced or backfilled. The steepest slope of the reduced or backfilled highwall and of the outer slope of the fill bench shall be no greater than forty-five degrees from the horizontal; provided, however, if the highwall is composed of solid rock and sufficient soil is not available to backfill or cover the solid rock suitable to establish vegetative cover, the *department* [commission], by regulation, may make modifications to the requirements of this section;

(b) The table portion of the restored area shall be a terrace with a slope toward the reduced highwall of not greater than ten degrees;

(c) The restored area shall have a minimum depth of four feet of fill over the floor of the pit from which the coal has been removed;

(d) There shall be no depressions to accumulate water but lateral drainage ditches connecting to natural or constructed waterways shall be constructed whenever directed by the division;

(e) Additional restoration work may be required by the division according to regulations adopted by the *department* [commission];

(f) In addition to the backfilling and grading requirements above, the operator's method of operation on steep slopes

may be regulated and controlled according to regulations adopted by the *department* [commission]. Such regulations may limit bench widths, control the amount of overburden to be placed beyond the solid bench, prohibit any overburden from being placed beyond the solid bench on precipitous slopes as defined by the *department* [commission], or require any measure whatsoever to accomplish the purpose of this chapter.

(3) An operator may propose alternative plans other than backfilling where a water impoundment is desired, if such restoration will be consistent with the purpose of this chapter. Such plans are to be submitted to the division, and if such plans are approved by the *department* [Reclamation Commission] and complied with within the time limits as may be determined by the *department* [commission] as being reasonable for carrying out such plans, the backfilling requirements of this chapter may be modified by the *department* [commission].

(4) As determined by regulations of the *department* [commission], time limits shall be established requiring backfilling, grading and planting to be kept current. All backfilling and grading shall be completed before necessary equipment is moved from the operation.

(5) If the operator or other person desires to conduct drift mining upon the premises or use the openings for haulageways or other lawful purposes, the operator may designate locations to be used for such purposes at which places it will not be necessary to backfill as herein provided for until such drift mining or other use is completed, during which time the bond on file for that portion of the operation shall not be released. That portion of such locations shall be described and designated on the map attached thereto.

(6) When the backfilling and grading have been completed and approved by the division, the director shall release the bond which was filed for that portion of such operation in its full amount less one hundred dollars per acre, which shall be retained by the division until such time as the planting and revegetation is done according to law and approved by the division, at which time the director shall release the bond in the remaining amount of one hundred dollars per acre.

Section 70. KRS 350.095 is amended to read as follows:

After the operation has been backfilled, graded and approved by the division, the operator shall prepare the soil and plant trees, shrubs, grasses and legumes upon the area of the land affected in order to provide a suitable vegetative cover. The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, and any other measures necessary to provide a suitable vegetative cover shall be defined by regulations of the *department* [commission].

Section 71. KRS 350.100 is amended to read as follows:

(1) It shall be the duty of an operator to commence the reclamation of the area of land affected by his operation as soon as possible after the beginning of strip mining of that area in accordance with plans previously approved by the division, and to complete such reclamation within twelve months after the permit has expired except that such grading, backfilling and water management practices that are approved in the plans shall be kept current with the operation as defined by regulations of the *department* [commission] and no permit or supplement to a permit shall be issued, if in the discretion of the division, these practices are not current;

(2) If an investigation indicates that planting so as to provide vegetative cover of an area of land affected by strip mining may not be successful, the division may authorize the operator to defer such planting until the soil has become suitable for such purposes and a yearly report shall be filed with the division indicating the soil conditions until a successful planting or seeding has been completed. It may authorize the operator, with the approval of the *department* [commission], to do planting to provide vegetative cover for a different area of land in lieu of that covered by his permit. Such different area of land must be land affected by strip mining in the past which has soil that has become suitable for planting, of not less acreage than the land covered by the permit. An application by the operator for authority to plant a different area of land shall identify the different area and shall be accompanied by a map showing its location, area and boundaries. The application shall be accompanied by the written consent of the owner of the land covered by the permit to release the operator from his obligation to provide a vegetative cover for the land covered by the

permit. If the division grants the application for the planting of a different area of land and the planting is carried out in accordance with its orders, the operator shall be relieved of his obligation to provide a vegetative cover for the area of land affected by his operation for which a different area of land has been substituted.

Section 72. KRS 350.130 is amended to read as follows:

(1) If any of the requirements of this chapter or rules or regulations adopted pursuant thereto or the orders of the division and the *department* [commission] have not been complied within the time limits set by the division or the commission or by this chapter, the division shall cause a notice of noncompliance to be served upon the operator, or where found necessary, the director shall order the suspension of a permit. Such notice or order shall be handed to the operator in person or served by registered mail addressed to the permanent address shown on the application for a permit. The notice of noncompliance or order of suspension shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the division and the *department* [commission]. If the operator has not reached an agreement with the division or has not complied with the requirements set forth in the notice of noncompliance or order of suspension within time limits set therein, the permit may be revoked by order of the *department* [commission] and the performance bond shall then be forfeited to the division;

(2) When a bond is forfeited pursuant to the provisions of this chapter, the director shall give notice to the Attorney General, who shall collect the forfeiture;

(3) An operator whose mining permit has been revoked shall not be eligible to receive another permit or to have suspended permits reinstated until he shall have complied with all the requirements of this chapter in respect to former permits issued him, provided, further, that no operator shall be eligible to receive another permit who has forfeited any bond unless the land for which the bond was forfeited has been reclaimed without cost to the state or the operator has paid [into the Strip Mining and Reclamation Fund] such sum as the *department* [commission] finds is adequate to reclaim such lands. The di-

vision shall not issue any additional permits to any operator who has repeatedly been in noncompliance or violation of this chapter, or who has had permits revoked on more than three occasions.

Section 73. KRS 350.150 is amended to read as follows:

(1) In the reclamation of land affected by strip mining for which it has funds available, the division may avail itself of any services which may be provided by other state agencies or by agencies of the Federal Government, and may compensate them for such services. The division may also receive any federal funds, state funds or any other funds for the reclamation of land affected by strip mining. The division may cause the reclamation work to be done by its own employes or by employes of other governmental agencies, soil conservation districts, or through contracts with qualified persons. Such contracts shall be awarded to the lowest responsible bidder upon competitive bids after reasonable advertisement. The division and any other agency and any contractor under a contract with the division shall have the right of access to the land affected to carry out such reclamation.

(2) Any funds available to the commission and any public works program (both funds and services) may be used and expended to reclaim and rehabilitate any lands that have been subjected to strip mining that have not been reclaimed and rehabilitated in accordance with standards set by this chapter or regulations thereunder and which are not covered by bond to guarantee such reclamation;

(3) A person or organization, having qualifications acceptable to the *department* [commission], may post bond or a cash deposit, in a sum determined by the *department* [commission], and assume the liability for carrying out the reclamation plan approved by the division in areas where the mining operation and any necessary grading and backfilling have been completed. The division shall then release the bond posted by the operator for such area.

Section 74. KRS 350.152 is amended to read as follows:

(1) The Commonwealth, acting by and through its Department of *Environmental Protection* [Natural Resources], shall

have the power to acquire, either by negotiation or by exercise of the power of eminent domain, land which has been affected or disturbed by strip or auger mining, which now consists of orphan banks or unreclaimed spoil piles, and which in its present state is hazardous or otherwise detrimental to the health and safety of the citizens of the Commonwealth, and for the restoration of which federal funds have been made available.

(2) Prior to acquiring any land pursuant to KRS 350.152 to 350.163 and 350.240, the Department of *Environmental Protection* [Natural Resources] shall extend to the owners thereof an opportunity to backfill, grade, plant and do other acts of restoration thereon to the same extent and within the same time limits as prescribed by KRS Chapter 350 and regulations adopted pursuant thereto. If the owner or owners agree in writing to perform such restoration and, weather permitting, start such restoration within a period of thirty days, the land shall not be acquired by the Commonwealth.

(3) The Department of *Environmental Protection* [Natural Resources] shall attempt to purchase any land which it has determined should be acquired for the purpose of restoration and which the owners have not agreed to restore as provided in subsection (2) above. In any case where the department and the owners of the land are unable to agree upon the amount to be paid for the land, the department may exercise the power of eminent domain against such land by filing a condemnation suit under any procedure as provided in KRS Chapter 416.

(4) The purchase price, in the case of a negotiated acquisition, or the damages as finally determined, in the case of acquisition by condemnation, and the necessary expenses incidental thereto, shall be paid from [the Reclamation Fund or] appropriations made by the General Assembly for such purposes and appropriations to which Federal funds made available for such purposes have been credited.

Section 75. KRS 350.156 is amended to read as follows:

(1) After restoration of the acquired land, the Department of *Environmental Protection* [Natural Resources] may, with the approval of the Governor, transfer jurisdiction of such land, or any portion thereof, to any state agency that can best utilize such land for public purposes;

(2) If the retention of such land is determined to be impractical, the Department of *Environmental Protection* [Natural Resources], may, with the approval of the Governor, sell such land to political subdivisions of the Commonwealth at the cost of acquisition and restoration or public sale to the highest bidder. Such land shall be sold subject to the condition that no strip mining shall be carried on thereon at any time thereafter. The proceeds of any such sale shall be credited to *a revolving fund within the department.* [the Reclamation Fund as provided for in subsection (2) of KRS 350.163.]

Section 76. KRS 350.163 is amended to read as follows:

(1) The *department* [Division of Reclamation] is authorized and empowered to receive and accept from the Commonwealth or any of its agencies and from Federal agencies appropriations or grants to accomplish the purposes of KRS 350.152 to 350.163 and 350.240, and to receive and accept aid or contributions from any source of either money, property, labor or any other things of value, to accomplish the purposes of KRS 350.152 to 350.163 and 350.240.

(2) All funds available or paid to the *department* [Division of Reclamation] under KRS 350.152 to 350.163 and 350.240, shall be placed in the State Treasury and credited *pursuant to the terms of the appropriation, grant, aid or contribution.* [to a special agency account to be designated as the Reclamation Fund. Any unencumbered and any unexpended balance of this fund at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of KRS 350.152 to 350.163 and 350.240 until expended or until appropriated by subsequent legislative action.]

Section 77. KRS 350.220 is amended to read as follows:

The use of explosives for the purpose of blasting in connection with strip mining in the neighborhood of any public highway, public stream or other body of water, dwelling house, public building, school, church, cemetery, commercial or institutional building or pipe line shall be done in accordance with regulations adopted by the *department* [commission].

Section 78. KRS 350.240 is amended to read as follows:

The *Department of Environmental Protection* [Reclamation Commission, after public hearing,] may adopt *in the manner provided in Sections 3(16) and 5 (5) and (6) of this Act* reasonable regulations for the reclamation of land disturbed or removed in the mining of clay. Such regulations shall encourage water impoundments and shall follow the standards established in Article III of the Interstate Mining Compact. The *department* [Reclamation Commission] shall have the authority to adopt such regulations prior to the effective date of the Interstate Mining Compact and irrespective of whether the state becomes a member or withdraws from membership in the Interstate Mining Compact.

Section 79. KRS 350.310 is amended to read as follows:

(1) The "Mining Council," hereinafter called "the Council", is hereby established in the office of the Governor. The council shall be the advisory body referred to in Article V(a) of the Interstate Mining Compact. No member of the council shall receive any compensation on account of his service thereon, but any such member shall be entitled to reimbursement for expenses actually incurred by him in connection with his possible service as the Governor's alternate on the Interstate Mining Commission;

(2) The council shall be composed of seven members: three of whom shall be representatives of mining industries; two of whom shall be representatives of nongovernmental conservation interests; the Commissioner of *Environmental Protection* [Natural Resources] and the Director of the Division of Reclamation;

(3) The members of the council representing mining industries and nongovernmental conservation interests shall be appointed by the Governor. The term of office of such members shall be for four years concurrent with that of the Governor or until their successor has been qualified.

Section 80. KRS 350.990 is amended to read as follows:

(1) Any person or operator who violates any of the provisions of this chapter or regulations adopted pursuant thereto or who fails to perform the duties imposed by these provisions,

or fails or refuses to obtain a permit as provided herein, or who violates any determination or order promulgated pursuant to the provisions of this chapter, shall be liable to a civil penalty of not less than one hundred dollars nor more than one thousand dollars for said violation, and an additional civil penalty of not less than one hundred dollars nor more than one thousand dollars for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the Attorney General in the Franklin Circuit Court or in the circuit court having jurisdiction of the defendant, and all sums recovered shall be placed in the State Treasury; [and credited to the Strip Mining and Reclamation Fund;]

(2) It shall be the duty of the Attorney General, upon the request of the director, to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, against any operator or other person violating or threatening to violate any of the provisions of this chapter or violating or threatening to violate any order or determination promulgated pursuant to the provisions of this chapter;

(3) Any person who shall willfully violate any of the provisions of this chapter, or any determination or order promulgated pursuant to the sections of this chapter which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than five hundred dollars and not more than five thousand dollars. Each day on which such violation occurs shall constitute a separate offense.

Section 81. A new section of KRS Chapter 350 is created to read as follows:

(1) All prior enactments of this General Assembly to the contrary notwithstanding all funds received by the Department of Environmental Protection or the Division of Reclamation through the payment of fees shall be deposited in the state treasury to the credit of the general fund effective July 1, 1972. All funds from the forfeiture of bonds shall be placed in the state treasury and credited to a special agency account. As far as is practicable, this fund shall be expended upon the lands for

which the bond was given. All unexpended funds in the Division of Reclamation trust and agency accounts established by KRS 350.140 shall lapse to the general fund at the close of the 1971-72 Fiscal Year, provided however, that an amount not exceeding $400,000 may be transferred to a revolving fund to be used for interim financing of federal grant-in-aid projects.

(2) The State Treasurer shall on or before August 1 of each year transfer fifty percent of all funds paid during the preceding fiscal year as fees for the issuance of any permit to strip mine to the fiscal courts of the county in which the permitted operation is located for the general purposes of that fiscal court.

Section 82. A new section of KRS Chapter 224 is created to read as follows:

(1) The Air Pollution Control Commission and the Water Pollution Control Commission created and established by KRS Chapter 224 and the Reclamation Commission created and established by KRS Chapter 350 are hereby abolished.

(2) All functions and powers possessed by and all obligations and duties of the Department of Natural Resources pertaining to the regulation and control of strip mining and reclamation and more particularly described in KRS Chapter 350 and of the Department of Health pertaining to the regulation and control of air pollution, water pollution, sewage disposal, and solid waste disposal and more particularly described in KRS Chapter 109, Sections 211.700 through 211.992, Chapter 223, KRS Chapter 224, and any other provision of law are hereby transferred to the Department of Environmental Protection.

Section 83. A new section of KRS Chapter 224 is created to read as follows:

(1) All reports, documents, surveys, books, records, files, papers or other writings in the possession of the Department of Natural Resources, the Board of Health, Department of Health, Air Pollution Control Commission, or Water Pollution Control Commission pertaining to the regulation and control of strip mining and reclamation, air pollution, water pollution, sewage disposal, or solid waste disposal shall be delivered to the custody of the Department of Environmental Protection.

(2) All furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the Department of Environmental Protection.

(3) All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the Department of Environmental Protection.

(4) Any appropriation or grant made to the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission for the purpose of carrying out the powers, duties, and functions herein transferred, shall on the effective date of this Act be transferred and credited to the Department of Environmental Protection for the purpose of carrying out such transferred powers, duties, and functions.

Section 84. A new section of KRS Chapter 224 is created to read as follows:

For the purpose of succession to all functions, powers, duties, and obligations of the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission or the Water Pollution Control Commission, transferred and assigned to the department by this Act, the department shall be deemed and held to constitute the continuation of the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, and the Water Pollution Control Commission and not a different agency or authority.

Section 85. A new section of KRS Chapter 224 is created to read as follows:

All rules, regulations, acts, determinations and decisions of the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission pertaining to the functions assigned and transferred by this Act to the department in force on the effective date of this Act shall remain in effect as rules, regulations, acts, determinations, and decisions of the Department of Environmental Protection until duly modified or repealed by the Department of Environmental Protection.

Section 86. A new section of KRS Chapter 224 is created to read as follows:

Whenever the Department of Natural Resources, the Board of Health, Department of Health, Air Pollution Control Commission, Water Pollution Control Commission, or the members, officers, or employees thereof, are referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties transferred by this Act, such reference or designation shall be deemed to refer to the department or the commissioner as may be appropriate.

Section 87. A new section of KRS Chapter 224 is created to read as follows:

Any business or other matter undertaken or commenced by the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission or members, officers, or employees thereof, pertaining to or contracted with the functions, powers, obligations and duties hereby transferred and assigned, and pending on the effective date of this Act, may be conducted and completed by the Department of Environmental Protection in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission or the members, officers, or employees thereof.

Section 88. A new section of KRS Chapter 224 is created to read as follows:

No action or proceeding pertaining to any power or function transferred by this Act and pending on the effective date of this Act, brought by or against the Department of Natural Resources, the Department of Health, the Air Pollution Control Commission, or the Water Pollution Control Commission, shall be affected by any provision of this Act, but the same may be prosecuted or defended by and in the name of the Department of Environmental Protection. In all such actions and proceedings, the Department of Environmental Protection, upon application, shall be substituted as a party.

Section 89. A new section of KRS Chapter 224 is created to read as follows:

No existing right or remedy of any character shall be lost, impaired, or affected by reason of this Act.

Section 90. A new section of KRS Chapter 224 is created to read as follows:

Any citizen of this Commonwealth having knowledge that any of the provisions of this chapter or regulations adopted thereunder are willfully and deliberately not being enforced by any public officer or employe, whose duty it is to enforce such provisions of this chapter and regulations thereunder, may bring such failure to enforce the law to the attention of such public officer or employe. To provide against reasonable and irresponsible demands being made, all such demands to enforce the law must be in writing, under oath, with facts set forth specifically stating the nature of the failure to enforce the law. The stating of false facts and charges in such affidavit shall constitute perjury and shall subject the affiant to penalties provided under the law of perjury. If such public officer or employe neglects or refuses for any unreasonable time after demand to enforce such provision, any such citizen shall have the right to bring an action of mandamus in the circuit court of the county in which the operation which relates to the alleged lack of enforcement is being conducted. The court, if satisfied that any provision of this chapter or regulation thereunder is not being enforced, may make an appropriate order compelling the public officer or employe, whose duty it is to enforce such provision, to perform his duties, and upon failure to do so such public officer or employe shall be held in contempt of court and shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Section 91. A new section of KRS Chapter 224 is created to read as follows:

In order to provide the maximum efficiency and effectiveness in the regulation of the quality of the natural environment, the Governor shall have the power, authority, and duty to alter or abolish any department, division, or administrative body charged by statute with any duty to protect, preserve, or en-

hance the quality of the natural environment and to transfer as much of the powers, duties, authority, personnel, funds, equipment, facilities and records of such department, division, or administrative body as relates to the protection, preservation, or enhancement of the quality of the natural environment that he may find to be appropriate and necessary in order to carry out the purpose of this section.

Section 92. A new section of KRS Chapter 224 is created to read as follows:

(1) Any person who violates any of the provisions of KRS Chapter 224 except as provided in KRS 224.992 or who fails to perform any duties imposed by those sections, or who violates any determination or order of the department promulgated pursuant thereto shall be liable to a civil penalty of not to exceed the sum of one thousand dollars for said violation, and an additional civil penalty of not to exceed one thousand dollars for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the Attorney General.

(2) It shall be the duty of the Attorney General, upon the request of the department, to bring an action for the recovery of the penalties hereinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of KRS Chapter 224 except as provided in KRS 224.992 or violating or threatening to violate any order or determination of the department promulgated pursuant thereto. In any such action any finding of the department shall be prima facie evidence of the fact or facts found therein.

(3) Any person who shall willfully violate any of the provisions of KRS Chapter 224 except as provided in KRS 224.992 or any determination or order of the department promulgated pursuant to those sections which has become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprison-

ment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(4) The authority herein vested in the Attorney General upon request of the department, to bring actions for injunctions for violations of KRS Chapter 224 except as provided in KRS 224.992 or of any regulation, or order issued thereto, shall be exclusive. Nothing herein contained shall abridge the right of any person to recover actual compensatory damages resulting from any such violation.

Section 93. KRS 211.700, 211.703, 211.707, 211.710, 211.713, 211.715, 211.717, 211.720, 211.723, 211.727, 211.730, 211.992, 224.010, 224.030, 224.040, 224.050, 224.070, 224.080, 224.090, 224.220, 224.310, 224.350, 224.360, 224.370, 224.380, 224.390, 224.400, 224.410, 224.420, 224.430, 224.440, 224.460, 224.990, 224.991, 350.024, 350.140, 350.141, 350.143, 350.145, and 350.185 are repealed.

Section 94. This Act shall become effective on January 1, 1973.

SB 2, AN ACT relating to state legislative districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.011 is hereby repealed, amended and reenacted to read as follows:

The Commonwealth of Kentucky is divided into senatorial districts as follows:

(1) First District: Carlisle, Hickman, Fulton, Graves and Calloway Counties and that part of the County of Marshall contained within voting precincts Brewers, Hardin, South Marshall and West Marshall.

(2) Second District: Ballard and McCracken Counties, and Marshall County except for voting precincts Brewers, Hardin, South Marshall and West Marshall.

(3) Third District: Christian, Lyon, Todd and Trigg Counties and that part of Muhlenberg County contained in the County Census Division of Rosewood bounded by: Cave Springs Road,

State Highway 1473, Pond Creek, State Highway 1163; State Highway 973, State Highway 1472, Unnamed road; County line; County line, Cave Springs Road. That part of Muhlenberg County contained in the County Census Division of Penrod bounded by: State Highway 70; County line; County line; Unnamed road, State Highway 1472; State Highway 973, Belton-Rosewood Road, Belton-Ennis Road.

(4) Fourth District: Crittenden, Henderson, Livingston, Union and Webster Counties and that part of Daviess County contained within the County Census Division of West Louisville bounded by: Panther Creek, State Highway 81, County line, County line.

(5) Fifth District: Ohio, Breckinridge, Meade, Grayson and Hart Counties and that part of Hardin County contained within the County Census Division of Summit bounded by: State Highway 86, Vertrees Creek, the Old Hardinsburg Road, Howe Valley-H. Goodman Road, State Highway 86, Les Horn Road, Knachy Pike-Stephensburg Road, U.S. Highway 62, State Highway 84, Western Kentucky Turnpike, County line, County line.

(6) Sixth District: Caldwell, Hopkins and McLean Counties and that part of Muhlenberg County not contained in the Third District.

(7) Seventh District: That part of the County of Jefferson contained within the following voting precincts: Seventh Ward of Louisville 18, 21, 22, 23; C District 5, 6, 7, 8, 11, 18, 19, 21, 30, 31, 33, 34, 39, 40, 43, 44, 45, 46, 47, 50, 53, 54, 55, 56, 57, 58, 59, 60, 62, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 85, 87, 90, 91, 93, 94.

(8) Eighth District: Hancock County and that part of Daviess County not contained in the Fourth District.

(9) Ninth District: Simpson, Allen, Barren, Metcalfe, Monroe and Edmonson Counties and that part of Butler County contained in the County Census Division of Jetson bounded by: Welch Creek, Blacklick School Road, State Highway 411, County line, County line, Green River, Woodbury city limits, Green River, Welch Creek (this division excludes Woodbury city). That part of Butler County contained in the County Census Division of Welchs Creek bounded by: County line, State Highway 411,

Blacklick School Road, Welch Creek; Welch Creek, Green River; Morgantown city limits, Green River; Green River, County line (this division excludes Morgantown city).

(10) Tenth District: That part of Hardin County not contained in the Fifth District, that part of Larue County not contained in the Fourteenth District.

(11) Eleventh District: Campbell County except the voting precincts of Grants Lick A, Grants Lick B, Gubser Mill, Mentor, Carthage, California and Dry Ridge.

(12) Twelfth District: That part of the County of Fayette not contained in the Thirteenth District or in the Thirtieth District.

(13) Thirteenth District: That part of the County of Fayette contained within the following boundaries: Beginning at the intersection of the Versailles Road (US 60) and New Circle Road (KY 4), then with New Circle Road in a generally northeastwardly direction through the following intersections, Old Frankfort Pike, Leestown Pike, Georgetown Pike, Newtown Pike, Russell Cave Pike, North Broadway, Old Paris Pike, Bryan Station Pike, Winchester Pike and Liberty Road, then to the overpass of the Chesapeake and Ohio Railroad, then in a northwestwardly direction along the Chesapeake and Ohio Railroad track to a point opposite the southeast property line of Holiday Road then in a southwestwardly direction along said property line of Holiday Road to a point opposite the center line of Menifee Avenue; then in a northwestwardly direction along the center line of Menifee Avenue to Henry Clay Boulevard; then in a southwestwardly direction along the center line of Henry Clay Boulevard to Fairway Drive, then along Fairway Drive to Richmond Road, then in a northwestwardly direction along the center line of the Richmond Road to Ashland Avenue, then in a southwestwardly direction along the center line of south Ashland Avenue to the intersection of East High Street, then in a generally southerly direction with the center line of East High Street to Cooper Drive, then a northwestwardly direction along the center line of Cooper Drive, through the intersection of Cooper Drive and Nicholasville Road then continuing with Waller Avenue (Cooper Drive) to the intersection on Harrodsburg Road (US 68), then southwestwardly along the center line of Harrodsburg Road to

the intersection of Lane Allen Road, then along the center line of Lane Allen Road in a northwestwardly direction to the intersection of Traveller Road then along the center line of Traveller Road to the northwest property line of Antietam Road then along the rear property lines of Traveller Road and Alexandria Drive to Parkers Mill Road, then continuing in a northwestwardly direction along the center line of Parkers Mill Road to the Versailles Road then along the center line of the Versailles Road in a westwardly direction to the intersection of the New Circle Road, the place of beginning.

(14) Fourteenth District: Boyle, Nelson, Washington, Marion and Anderson Counties and that part of Larue County contained in the County Census Division of Buffalo bounded by: State Highway 84, County line; County line; County line, Morvin Allen Road, State Highway 61, Benningfield Road, U.S. Highway 31 E., J. I. Hutcheson Road; State Highway 698, U.S. Highway 31 E., Buffalo city limits, including Buffalo city, State Highway 470, U.S. Highway 31 E.

(15) Fifteenth District: Casey, Lincoln, Pulaski and Rockcastle Counties and that part of McCreary County not contained in the Sixteenth District.

(16) Sixteenth District: Green, Taylor, Adair, Cumberland, Russell, Clinton and Wayne Counties; that part of McCreary County contained in the County Census Division of Co-Operative bounded by: South Fork Cumberland River; South Fork Cumberland River; State line; County line; that part of McCreary County contained in the County Census Division of Stearns bounded by: Lick Creek, Bridge Ford; Laurel Creek, Laurel Creek; U.S. Highway 27, State Highway 742, Blue Heron Road, Blue Heron Road extended; South Fork Cumberland River.

(17) Seventeenth District. Bell and Harlan Counties; Whitley County except that part contained within the City of Corbin.

(18) Eighteenth District: Greenup, Carter, Lewis and Mason Counties.

(19) Nineteenth District: That part of the County of Jefferson contained within the following voting precincts: Second Ward of Louisville 14, 24, 28; Third Ward of Louisville 35, 36,

37; Fourth Ward of Louisville 14, 15, 16, 17, 18, 19, 28, 29, 32; B District 11, 12, 15, 19, 21, 25, 32, 33, 40, 41, 42, 46, 48, 49, 57, 58, 62, 63, 69; C District 12, 14, 16, 17, 22, 23, 24, 32, 42, 61, 70, 83, 84, 88, 89.

(20) Twentieth District: Franklin, Shelby, Bullitt and Spencer Counties.

(21) Twenty-first District: Clay, Laurel, Leslie and Knox Counties; that part of the County of Whitley contained within the City of Corbin.

(22) Twenty-second District: Madison, Mercer, Garrard and Jessamine Counties.

(23) Twenty-third District: That part of the County of Kenton contained within the following voting precincts: the City of Covington in its entirety; Ludlow 1, 2, 3, 4, 5; Bromley; Villa Hills 1, 2; Crescent Springs; Erlanger 1, 2, 3, 4, 5, 6, 7, 8, 9; Elsmere 1, 2, 3, 4; and Winston Park.

(24) Twenty-fourth District: Boone County; that part of the County of Kenton not contained in the Twenty-third District; that part of the County of Campbell contained within voting precincts Grants Lick A, Grants Lick B, Dry Ridge, Mentor, Carthage, California and Gubser Mill.

(25) Twenty-fifth District: Boyd, Johnson and Lawrence Counties and that part of the County of Floyd contained within the voting precincts of Auxier and Abbott's Creek.

(26) Twenty-sixth District: Bracken, Carroll, Gallatin, Grant, Henry, Oldham, Owen, Pendleton and Trimble Counties and that part of the County of Jefferson contained within voting precincts A11, A15 and A53 of A District of the County.

(27) Twenty-seventh District: Jackson, Owsley, Breathitt, Wolfe, Magoffin, Morgan, Elliott, Menifee and Rowan Counties.

(28) Twenty-eighth District: Fleming, Bath, Montgomery, Clark, Powell, Estill and Lee Counties.

(29) Twenty-ninth District: Knott, Perry and Martin Counties and Floyd County except the voting precincts of Auxier and Abbott's Creek.

(30) Thirtieth District: Bourbon, Harrison, Nicholas, Robertson, Scott and Woodford Counties; that part of the County

Fayette which is contained within the following described boundary: beginning where the Briar Hill Road intersects the Fayette County-Bourbon County line; then with the center line of the Briar Hill Road in a westerly direction to the intersection of the Muir Station Pike; then in a northwestwardly direction along the center line of the Muir Station Road to the intersection of the Bryan Station Road; then in a southwestwardly direction with the center line of the Bryan Station Road to the Interstate 64-75 overpass; then in a northwestwardly direction with Interstate 64-75 to the intersection of Northern Parkway (US 27, 68), then in a northeastwardly direction along the center line of Northern Parkway to the intersection of Northern Parkway with Swigert Lane, then along the center line of Swigert Lane to its intersection with the Russell Cave Pike (KY 353), then in a southwestwardly direction along the center line of Russell Cave Pike to its intersection with the New Circle Road (KY 4), then along the center line of the New Circle Road in a westwardly direction to its intersection with the Versailles Pike (US 60), then in a westwardly direction with the center line of Versailles Pike to the Fayette County-Woodford County line; then in a generally northeastwardly direction along the Woodford County-Fayette County, Scott County-Fayette County, Bourbon County-Fayette County lines to the point of beginning.

(31) Thirty-first District: Pike and Letcher Counties.

(32) Thirty-second District: Logan and Warren Counties; that part of Butler County not contained in the Ninth District.

(33) Thirty-third District: That part of the County of Jefferson contained within the following voting precincts: Ninth Ward of Louisville 1, 2, 3, 4, 5, 6, 7A, 9, 16, 18, 19, 20; Tenth Ward of Louisville 6, 7, 10, 11, 12, 20, 21, 28; Eleventh Ward of Louisville in its entirety; Twelfth Ward of Louisville in its entirety.

(34) Thirty-fourth District: That part of the County of Jefferson contained within the following voting precincts: Second Ward of Louisville 16, 17, 19, 21, 23, 26, 30, 31, 33, 34, 35, 36, 38; A District 16, 21, 22, 23, 36, 37, 38, 39, 42, 43, 50, 58, 63, 72, 74; B District 3, 4, 5, 6, 7, 9, 14, 17, 20, 22, 23, 24, 26, 27, 28, 29, 31, 34, 35, 36, 37, 38, 39, 43, 44, 45, 47, 50, 51, 52, 53, 55, 56, 59, 60, 61, 64, 65, 66, 68, 70.

(35) Thirty-fifth District: That part of the County of Jefferson contained within the following voting precincts: First Ward of Louisville 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 29, 31, 32; Second Ward of Louisville 1, 3, 4, 5, 6, 7; Third Ward of Louisville 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 29; Fourth Ward of Louisville 5A, 7, 8, 9, 10, 11, 12, 13, 22, 30, 33; Fifth Ward of Louisville 2, 4, 6, 8, 11, 12, 13, 16, 20, 21, 22, 26, 27, 28, 29, 30; B District 8, 10, 13, 18, 54, 67.

(36) Thirty-sixth District: That part of the County of Jefferson contained within the following voting precincts: First Ward of Louisville 20, 21, 23, 24, 25, 27, 28, 30, 33; Second Ward of Louisville 2, 8, 9, 10, 11, 12, 13, 15, 18, 20, 27, 29, 32; Third Ward of Louisville 28, 30, 31, 32, 33, 34; A District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 17, 18, 19, 20, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 44, 45, 46, 47, 48, 49, 51, 52, 54, 55, 56, 57, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 73, 75, 76, 77, 78, 79, 80, 81; B District 1, 2, 16, 30.

(37) Thirty-seventh District: That part of the County of Jefferson contained within the following voting precincts: Fourth Ward of Louisville 23, 26, 34; Sixth Ward of Louisville 11, 12, 13, 14, 15, 16, 17, 21, 22, 26, 27, 28, 30, 31, 32; Seventh Ward of Louisville 2, 3A, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20; Eighth Ward of Louisville 17, 18, 19, 20, 21; C District 1, 2, 3, 4, 9, 10, 13, 15, 20, 25, 26, 27, 28, 29, 35, 36, 37, 38, 41, 48, 49, 51, 52, 63, 68, 76, 77, 86, 92.

(38) Thirty-eighth District: That part of the County of Jefferson contained within the following voting precincts: Fourth Ward of Louisville 21, 25, 27; Fifth Ward of Louisville 3, 5, 9, 10, 14, 15, 17, 18, 19, 23, 24, 25; Sixth Ward of Louisville 4, 5, 6, 7, 8, 9, 10, 18, 19, 20, 23, 24, 25, 29; Eighth Ward of Louisville 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14A, 15, 16; Ninth Ward of Louisville 8, 10, 11, 12, 13, 14A, 15A, 17, 21; Tenth Ward of Louisville 1, 2, 3, 4, 5, 8, 9, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27.

Section 2. KRS 6.041 is hereby repealed, amended and reenacted to read as follows:

Any reference in this Act to a city, ward, district, boundary,

precinct, road, highway, street, stream or other line means as they existed on January 4, 1972.

Section 3. In the event any Senator now elected should resign or die prior to the expiration of his term, the vacancy shall be filled by an election for the unexpired term, as now provided by law, in the Senatorial District as defined in KRS 6.011.

Section 4. KRS 116.192 is hereby repealed, amended and re-enacted to read as follows:

Forthwith upon the effective date of this Act, the county court of each county shall make any changes in the boundaries of any election precincts in the county that are necessary to make sure that no precinct contains within its boundaries portions of more than one of the legislative districts established by this Act. This section shall be subject to the provisions of KRS 116.180 and 116.190, except that the notice required by KRS 116.190 need not be given.

Section 5. In enacting this legislation the General Assembly intends that each provision hereof be enacted separately, and if any provision should be held unconstitutional, all remaining provisions shall have full force and effect, as if enacted in a separate Act.

The Committee Amendment to **SB 2** is as follows:

Amend printed copy of Senate Bill 2, page 10, by adding the following new sections:

Section 6. KRS 6.031 is hereby repealed, amended and re-enacted to read as follows:

The Commonwealth of Kentucky is divided into representative districts as follows:

(1) First District: Ballard, Carlisle, Fulton, and Hickman Counties and that part of McCracken County contained within voting precincts New Hope-Melber and Harper.

(2) Second District: Graves County and that part of Calloway County contained in the voting precinct of Coldwater.

(3) Third District: That part of McCracken County contained in the City of Paducah.

(4) Fourth District: Livingston County and that part of McCracken County not contained in the First District or the Third District.

(5) Fifth District: Calloway County, except the voting precinct of Coldwater, and that part of Trigg County west of Kentucky Highway 139 and including the City of Cadiz.

(6) Sixth District: Lyon and Marshall Counties and Crittenden County except for voting precincts Marion 4, Marion 6, Rosebud 11, and Shady Grove 12.

(7) Seventh District: Union County; that part of Henderson County not contained in the Eleventh District; that part of Daviess County contained in the voting precincts of Pleasure Ridge, Utica, Snyder School, West Louisville, Curdsville, St. Joseph, Rome, Sorgo, Masonville, Stanley, North Town, South Town, Fields, Habit.

(8) Eighth District: That part of Trigg County east of Kentucky Highway 139 but excluding the City of Cadiz; that part of Christian County contained within the following voting precincts: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25.

(9) Ninth District: That part of Christian County contained within the following voting precincts: 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32; that part of Hopkins County contained within the following voting precincts: 14, 15, 16, 17.

(10) Tenth District: Hopkins County except for voting precincts: 14, 15, 16, 17.

(11) Eleventh District: Henderson County except for the portion contained in Census Enumeration Districts 38, 40, 41 bounded by Union County line, U. S. Highways 60 and 641, Corydon city limits, Kentucky Highway 266, U. S. Highway 41A, Kentucky Highway 416, Kentucky Highway 1299, Elam Ditch, U. S. Highway 41, Kentucky Highway 416, Kentucky Highway 54, Daviess County line, McLean County line, Webster County line.

(12) Twelfth District: Caldwell and Webster Counties; that part of Crittenden County not included in the Sixth District; that part of McLean County not contained in the Fifteenth District.

(13) Thirteenth District: That part of Daviess County contained in the City of Owensboro but excluding the following voting precincts: 4, 6, 7, 10, 11, 15, 17, 18, 19, 20, 32.

(14) Fourteenth District: That part of Daviess County not contained in the Seventh District or in the Thirteenth District.

(15) Fifteenth District: Muhlenberg County and that part of McLean County contained in voting precincts 2, 3, 6, 8.

(16) Sixteenth District: Todd and Logan Counties.

(17) Seventeenth District: Hancock and Ohio Counties and that part of Butler County not contained within the Nineteenth District.

(18) Eighteenth District: Meade County and Breckinridge County except the voting precincts of McDaniels, Glen Dean.

(19) Nineteenth District: Edmonson and Grayson Counties; that part of Breckinridge County contained in voting precincts of McDaniels and Glen Dean; that part of Butler County included in the Census County Division of Jetson, bounded by Welch Creek, Blacklick School Road, State Highway 411, county line, Green River, Woodbury city limits, Green River, Welch Creek; and including the cities of Morgantown and Woodbury; and including Census Enumeration District No. 8, bounded by Green River, Morgantown city limits, State Highway 403, Cool Spring Church Road, unnamed road, U. S. Highway 231, Muddy Creek and county line; that part of Hart County contained in voting precincts 13, 14, 16, 17, 3.

(20) Twentieth District: That part of Warren County containing all of the City of Bowling Green excluding the voting precincts of Reels Garage, Octagan Inn, Green Meadows and Delefield but including the voting precincts of Miller's Bottled Gas, Watts Mill and Mt. Victor.

(21) Twenty-first District: That part of Simpson County contained in the voting precincts of Harristown, Public School, West Door and Prospect Hill and that part of Warren County not contained in the Twentieth District.

(22) Twenty-second District: Allen and Monroe Counties, and that part of Simpson County not contained in the Twenty-first District.

(23) Twenty-third District: Barren County and that part of Metcalfe County containing voting precincts Randolph-Wisdom No. 3, Knob Lick No. 4, Savoyard No. 5, Summer Shade No. 8 and Willow Shade-Beaumont No. 9.

(24) Twenty-fourth District: Larue County; that part of Hart County not contained in the Nineteenth District; that part of Marion County not contained in the Fifty-fourth District.

(25) Twenty-fifth District: That part of Hardin County contained in the voting precincts of Elizabethtown East, Elizabethtown West, Elizabethtown Northeast, Elizabethtown Northwest, Elizabethtown North, Helmwood Heights, Mantle, Valley Creek, City Park, Colesburg, Tunnel Hill, Helm, Chelf, Van Meter, South Dixie, Glendale, Nolin, Sonora, Upton, Melrose and White Mills, and that part of the Fort Knox Military Reservation that lies east of a line beginning at the intersection of the southern boundary of the Fort Knox Military Reservation and State Road 447, and extends northward along State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River.

(26) Twenty-sixth District: That part of Hardin County contained in the voting precincts of Radcliff North, Radcliff South, Radcliff West, Vine Grove North, Vine Grove South, Vine Grove West, Longview, Yates, Rineyville, Howevalley, St. John, Cecillia, East View, Meeting Creek, and Long Grove and that part of the Fort Knox Military Reservation not included in the Twenty-fifth and Twenty-seventh Districts.

(27) Twenty-seventh District: That part of Hardin County not contained in the Twenty-fifth and Twenty-sixth Districts, that part of the Fort Knox Military Reservation whose southern Boundary is Chaffee Avenue extended westward to the Hardin-Meade County line and eastward to State Road 447, thence northward on State Road 447 and a line extending northward through Pleasant View Cemetery and Fort Hill Cemetery to the Jefferson County line at Salt River and that part of Jefferson County contained in voting precincts C8, C18, C19, C23, C44, C53, C70 and C87 of C District of the County.

(28) Twenty-eighth District: That part of Jefferson County containing voting precincts C7, C31, C33, C40, C43, C45, C47,

C56, C58, C65, C66, C72, C73, C78, C79, C82, C90 and C91 of C District of the County.

(29) Twenty-ninth District: That part of Jefferson County containing voting precincts C5, C6, C11, C21, C30, C34, C39, C46, C50, C54, C55, C59, C60, C64, C67, C69, C71, C74, C75, C80, C81, C85, and C94 of C District of the county.

(30) Thirtieth District: That part of Jefferson County containing voting precincts 37 of the third ward of the City of Louisville, and voting precincts B7, B10, B13, B14, B15, B18, B19, B21, B22, B24, B38, B42, B43, B48, B54, B58, B64 and B67 of B District of the county.

(31) Thirty-first District: That part of Jefferson County containing voting precincts 16, 17, 19, 26, 29, 34, 35, 36, and 38 of the second ward of the City of Louisville; voting precincts A22, A36, A38, A39, A43, A50, A63 and A74 of A district of the county, and voting precincts B4, B5, B6, B9, B17, B27, B28, B35, B39, B45, B55, B56 and B68 of B District of the county.

(32) Thirty-second District: That part of Jefferson County containing voting precincts 3, 4, 5, 6, 7, 9, 10, 13, 14, 20, 21, 23, 24, 25, 27, 28, 29, 30, 32 and 33 of the first ward; voting precincts 1, 2, 3, 4, 5 and 6 of the second ward; voting precincts 1 and 2 of the third ward of the City of Louisville, and voting precincts A2, A5, A18, A19, A26, A29, A34, A49, A51, A60 and A73 of A District of the county.

(33) Thirty-third District: That part of Jefferson County containing voting precincts 7, 8, 9, 10, 11, 12, 13, 14, 15 18, 20, 21, 23, 24, 27, 28, 30, 31, 32 and 33 of the second ward of the City of Louisville; voting precinct A17 of A District of the county, and voting precincts B1, B2, B3, B29, B30, B31, B33, B34, B59 and B70 of B District of the county.

(34) Thirty-fourth District: That part of Jefferson County containing voting precincts 11, 12, 16, 17 and 19 of the first ward, and voting precincts 7, 8, 9, 10, 11, 12, 14, 15, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35 and 36 of the third ward, voting precinct 11 of the fifth ward of the City of Louisville, and voting precinct B16 of B District of the County.

(35) Thirty-fifth District: That part of Jefferson County containing voting precincts 17 and 29 of the third ward, and

voting precincts 5A, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 22, 25, 26, 27, 28, 29, 30, 32, and 33 of the fourth ward, voting precincts 10 and 13 of the eighth ward of the City of Louisville, and voting precincts B8, B11, B12 and B32 of B District of the county.

(36) Thirty-sixth District: That part of Jefferson County containing voting precinct 15 of the first ward; voting precincts 13 and 16 of the Third ward; voting precincts 14, 21 and 23 of the Fourth ward; voting precincts 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the fifth ward, voting precincts 9, 11, 12 and 14A of the eighth ward of the City of Louisville.

(37 Thirty-seventh District: That part of Jefferson County containing voting precinct 34 of the fourth ward, voting precincts 4, 6, 7, 8, 9, 10, 11, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 29 of the sixth ward, and voting precincts 6, 8 and 9 of the seventh ward, voting precinct 16 of the eighth ward of the City of Louisville, and voting precincts C24 and C88 of C District of the County.

(38) Thirty-eighth District: That part of Jefferson County containing voting precincts 12, 13, 15, 16, 27, 28, 30, 31, and 32 of the sixth ward, voting precincts 3A, 5, 7, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the seventh ward of the City of Louisville.

(39) Thirty-ninth District: That part of Jefferson County containing voting precincts 1, 2 and 31 of the first ward, voting precincts 2, 3, and 4 of the fifth ward, voting precinct 5 of the sixth ward, voting precincts 1, 2, 3, 4, 5, 6, 7, 8 and 15 of the eighth ward, and voting precinct 21 of the ninth ward, voting precincts 3, 18, 19 and 27 of the tenth ward of the City of Louisville.

(40) Fortieth District: That part of Jefferson County containing voting precincts 2 and 4 of the seventh ward, voting precincts 17, 18, 19, 20, and 21 of the eighth ward, voting precincts 8, 10, 11, 12, 13, 14A, 15A, 16, 17 and 18 of the ninth ward, and voting precincts 22, 23, 24, 25, and 26 of the tenth ward of the City of Louisville, and voting precincts C9, C25, C27, C35, C51, C63 and C68 of C District of the County.

(41) Forty-first District: That part of Jefferson County containing voting precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,

15, 16, 17, 20, 21 and 28 of the tenth ward, voting precincts 1, 5, 9, 18, 19, 20 and 21A of the eleventh ward of the City of Louisville.

(42) Forty-second District: That part of Jefferson County containing voting precincts 1, 2, 3, 4, 5, 6, 7A, 9, 19 and 20 of the ninth ward, voting precincts 8, 10, 11, 12, 13, 14, 15, 16 and 17 of the eleventh ward, and voting precincts 21, 22, 23, 24 and 25 of the twelfth ward of the City of Louisville.

(43) Forty-third District: That part of Jefferson County containing voting precincts 2, 3, 4, 6 and 7 of the eleventh ward, and voting precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11A, 12, 13, 14, 15, 16A, 17, 18, 19 and 20 of the twelfth ward of the City of Louisville.

(44) Forty-fourth District: That part of Jefferson County containing voting precincts C1, C2, C3, C4, C10, C13, C15, C20, C26, C28, C29, C36, C37, C38, C41, C48, C49, C52, C62, C76, C77, C86, C92 and C93 of C District of the county.

(45) Forty-fifth District: That part of Jefferson County containing voting precincts B23, B63, and B66 of the B district of the county; voting precincts C12, C14, C16, C17, C22, C32, C42, C61, C83, C84, and C89 of C District of the county.

(46) Forty-sixth District: That part of Jefferson County containing voting precincts B20, B25, B26, B36, B37, B40, B41, B44, B46, B47, B49, B50, B51, B52, B53, B57, B60, B61, B62, B65, and B69 of B District of the county.

(47) Forty-seventh District: That part of Jefferson County containing voting precincts A4, A6, A8, A12, A13, A15, A16, A20, A21, A23, A24, A25, A27, A28, A31, A32, A33, A35, A37, A41, A42, A45, A46, A53, A58, A64, A68, A69, A71, A72, A77, A80 and A81 of A District of the county.

(48) Forty-eighth District: That part of Jefferson County containing voting precincts A1, A3, A7, A9, A10, A11, A14, A30, A40, A44, A47, A48, A52, A54, A55, A56, A57, A59, A61, A62, A65, A66, A67, A70, A75, A76, A78 and A79 of A District of the county.

(49) Forty-ninth District: Bullitt and Spencer Counties.

(50) Fiftieth District: Nelson County; that part of Washington County not contained in the Fifty-fourth District; that

part of Anderson County contained in voting precincts 9, 10, 11.

(51) Fifty-first District: Green and Taylor Counties, and that part of Metcalfe County not contained in the Twenty-third District.

(52) Fifty-second District: Adair and Casey Counties and that part of Russell County not contained in the Fifty-third District.

(53) Fifty-third District: Wayne, Clinton and Cumberland Counties; that part of Russell County contained within the County Census Division of Eli bounded by: State Highway 80, county line, Lake Cumberland, Caney Creek, Caney Fork, Clear Fork, Dunbar Trail, Dunbar Road, West Wilson Road, State Highway 80, that part of Russell County contained within the County Census Division of Bryan bounded by: State Highway 92, Greasy Creek, Bethel Creek Fork, Blankenship Road, State Highway 55, Helen Road, State Highway 35, county line.

(54) Fifty-fourth District: Boyle County; that part of Marion County contained in voting precincts 1, 2, 3, 7; that part of Washington County contained in voting precincts 5, 6, 7, 8, 9, 10.

(55) Fifty-fifth District: Garrard and Mercer Counties; that part of Anderson County not contained in the Fiftieth District.

(56) Fifty-sixth District: Jessamine and Woodford Counties.

(57) Fifty-seventh District: Franklin County except for the voting precinct of Bridgeport No. 27.

(58) Fifty-eighth District: Henry and Shelby Counties and that part of Franklin County contained within voting precinct Bridgeport No. 27.

(59) Fifty-ninth District: Carroll, Gallatin, Oldham, and Trimble Counties.

(60) Sixtieth District: Boone County.

(61) Sixty-first District: Bracken, Grant and Owen Counties and Pendleton County except for the voting precincts of Bonar and Sandsuck.

(62) Sixty-second District: Harrison and Scott Counties.

(63) Sixty-third District: That part of Kenton County containing the following voting precincts: Crestview, Edgewood 1, 2 and 3; Erlanger 1, 2, 3, and 7; Fort Mitchell 1, 2, 3, 4, 5 and 7, Fort Wright 1, 2, 3, 4 and 5, Lakeside Park 1 and 2, and Park Hills 1, 2 and 3; Elsmere 4, and Sandfordtown.

(64) Sixty-fourth District: That part of Kenton County containing the following voting precincts: Bracht, Cherokee, Covington 27, 29, 30, 39, 40, 41, 42 and 43, Decoursey, Independence 1 and 2, Morningview, Nicholson, Oakridge, Piner, Richardson, Taylor Mill 1 and 2, Visalia, Whites Tower, Winston Park.

(65) Sixty-fifth District: That part of Kenton County containing the following voting precincts: Covington 4, 12, 14, 15, 16, 17, 18, 19, 20, 20A, 21, 23, 24, 25, 26, 31, 33, 34, 35, 36, 37, and 38.

(66) Sixty-sixth District: That part of Kenton County containing the following voting precincts: Covington 6, 7, 10, 10A and 13, Bromley, Crescent Springs, Elsmere 1, 2, and 3, Erlanger 4, 5, 6, 8 and 9, Ludlow 1, 2, 3, 4 and 5, Villa Hills 1 and 2.

(67) Sixty-seventh District: That part of Campbell County containing all of the voting precincts in the City of Newport, the City of Wilder, the City of Southgate except voting precinct Southgate B; that part of Kenton County containing voting precincts Covington 1, 3.

(68) Sixty-eighth District: That part of Campbell County containing all of the voting precincts in the City of Bellevue; all the voting precincts in the City of Dayton; voting precincts A, B, C, D, E, G, L and P in the City of Fort Thomas and the voting precincts of Woodlawn, Brent, Crestview, Silver Grove, Hayfield, Carthage, Camp Springs and Melbourne.

(69) Sixty-ninth District: That part of Campbell County not contained in the Sixty-seventh and Sixty-eighth Districts; that part of Pendleton County contained in the voting precincts of Bonar and Sandsuck.

(70) Seventieth District: Mason and Robertson Counties; that part of Fleming County not in the Seventy-fourth District; that part of Rowan County contained in Census Enumeration

District 3 bounded by Bath County line, Triplett Creek, Morehead City limits, Kentucky Highway 32, Fleming County line.

(71) Seventy-first District: Morgan and Menifee Counties; that part of Rowan County not contained in the Seventieth District; the Northern part of Wolfe County bounded by Kentucky Highway 15, Campton City limits, Kentucky Highway 746, Mountain Parkway Extension, Morgan County line, Menifee County line, Powell County line, including the City of Campton.

(72) Seventy-second District: Bourbon County and that part of Fayette County not contained in the Seventy-fifth District, the Seventy-sixth, Seventy-seventh, Seventy-eighth and Seventy-ninth Districts.

(73) Seventy-third District: Clark and Powell Counties.

(74) Seventy-fourth District: Bath, Nicholas and Montgomery Counties, and that part of Fleming County contained in Census Enumeration District 9 bounded by county line, Three Mile Run, State Highway 1325 (Three Mile Road), Cane Road, State Highway 1123 (Peck's Ridge Road), State Highway 57, Craintown Road, and State Highway 32 westward to county line.

(75) Seventy-fifth District: That part of Fayette County contained within the following described boundaries: Beginning at the intersection of South Broadway and Mason Headley Road; then with the center line of South Broadway in a northeastwardly direction to the intersection of South Broadway and Virginia Avenue; then in a northwestwardly direction with the western boundary of the Kentucky Trotting Horse Breeders Association property (Red Mile) to the Versailles Pike across from the intersection of Forbes Road; then in a generally northwardly direction with the center line of Forbes Road to its intersection with the Old Frankfort Pike to its intersection with Leestown Pike (West Main Street); then in a southeastwardly direction with the center line of West Main Street to its intersection with Newtown Pike; then in a northwestwardly direction with the center line of Newtown Pike to its intersection with West Fourth Street; then in a southeastwardly direction with the center line of West Fourth Street; to the Louisville and Nashville Railroad Company crossing; then in a northeastwardly direction with the center line of the right-of-way of the Louisville and Nashville Railroad Company to its crossing of the Russell Cave

Pike (Ky 353); then in a generally southwardly direction along the center line of the Russell Cave Pike to Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southeastwardly direction with the center line of Maple Avenue to its intersection with East Seventh Street and in a southeastwardly direction along the center line of East Seventh Street to its intersection with Shropshire; then in a southwestwardly direction with the center line of Shropshire Avenue to East Sixth Street and in a northwestwardly direction with the center line of East Sixth Street to its intersection with Pemberton; then in a southwestwardly direction with the center line of Pemberton to its intersection with East Fifth Street; then in a southeastwardly direction with the center line of East Fifth Street to its intersection with Race Street and in a southwestwardly direction with the center line of Race Street to its intersection with East Third Street; then in a southeastwardly direction with the center line of East Third Street to its intersection with Walton Avenue; then in a southwestwardly direction with the center line of Walton Avenue to its intersection with East Main Street and in a northwestwardly direction with the center line of East Main Street to its intersection with Ransom Avenue; then in a southwestwardly direction with the center line of Ransom Avenue to its intersection with East High Street and in a generally southwardly direction with the center line of East High Street to its intersection with Sunset, then in a northwestwardly direction with the center line of Sunset to Lafayette Avenue and continuing along the center line of Columbia (Sunset) to its intersection with Woodland Avenue and in a southwestwardly direction with the center line of Woodland Avenue to its intersection with Huguelet and in a northwestwardly direction along the center line of Huguelet to its intersection with Rose Street and in a southwestwardly direction with the center line of Rose Street to its intersection with South Limestone; then continuing in a southwestwardly direction along the center line of South Limestone to its intersection of Waller Avenue and then in a northwestwardly direction along the center line of Waller Avenue to its intersection with South Broadway and the Mason Headley Road, the point of beginning.

(76) Seventy-sixth District: That part of Fayette County contained within the following boundaries: Beginning at the in-

tersection of East Third Street and Race Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwest property line of Richmond Avenue; then in a southwestwardly direction with said property line of Richmond Avenue to East Main Street and then in a southeastwardly direction along the center line of East Main Street to its intersection with Henry Clay Boulevard; then in a northeastwardly direction with the center line of Henry Clay Boulevard to its intersection with Menifee Avenue and in a southeastwardly direction with the center line of Menifee Avenue to a point in the southeast property line of Holiday Road; then with said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks; then in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road (Ky 4); then in a generally northwardly direction along the center line of the New Circle Road to its intersection with the Winchester Pike (US 60); then in a generally eastwardly direction with the center line of the Winchester Pike to its intersection with Interstate 64-75; then in a northwestwardly direction with the right-of-way of Interstate 64-75 to its overpass on the Russell Cave Pike (Ky 353); then in a southwestwardly direction with the center line of Russell Cave Pike to its intersection with the New Circle Road; then in a southeastwardly direction with the center line of New Circle Road to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction with the center line of North Limestone to its intersection with Carlisle Avenue; then in a southeastwardly direction along the center line of Carlisle Avenue to its intersection of Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue; then in a southeastwardly direction with the center line of Louden Avenue to its intersection with Maple Avenue; then in a southwestwardly direction with the center line of Maple Avenue to East Seventh Street; then in a southeastwardly direction along the center line of East Seventh Street to Shropshire; then in a southwestwardly direction along the center line of Shropshire to East Sixth Street; then in a northwestwardly direction along the center line of East Sixth Street to Pemberton; then in a southwestwardly direction the center line of Pemberton to East Sixth Street; then in a southeastwardly direction with the center line of East Fifth

Street to Race Street; then in a southwestwardly direction along the center line of Race Street to its intersection with East Third Street, the point of beginning.

(77) Seventy-seventh District: That part of Fayette County contained within the following boundaries: Beginning at the intersection of the Versailles Road (US 60) and the New Circle Road (Ky 4); then the New Circle Road in a generally northeastwardly direction to the following intersections: Old Frankfort Pike, Leestown Pike, Georgetown Pike, Newtown Pike, Russell Cave Pike and North Broadway to its intersection with the Old Paris Pike (North Limestone); then in a southwestwardly direction along the center line of North Limestone to Carlisle Avenue; then in a southeastwardly direction with the center line of Carlisle Avenue to Bryan Avenue; then in a southwestwardly direction with the center line of Bryan Avenue to its intersection with Louden Avenue and in a northwestwardly direction with the center line of Louden Avenue to its intersection with Russell Cave Pike and in a generally northwardly direction with the center line of the Russell Cave Pike to the Louisville and Nashville Railroad crossing; then in a southwestwardly direction with the right-of-way with the Louisville and Nashville Railroad to West Fourth Street; then in a northwestwardly direction along the center line of West Fourth Street to the Newtown Pike and in a southwestwardly direction the center line of the Newtown Pike to West Main Street; then in a northwestwardly direction with West Main Street (Leestown Pike) to Forbes Road; then in a southwestwardly direction the center line of Forbes Road to the Versailles Road and across the Versailles Road and along the western property line of the Kentucky Trotting Horse Breeders Association (Red Mile) to South Broadway and in a southwestwardly direction along the center line of South Broadway to Clays Mill Road and continuing in a southwestwardly direction along the center line of Clays Mill Road to Longview Drive; then in a northwestwardly direction along the center line of Longview Drive to the Harrodsburg Road; then in a northeastwardly direction along the center line of the Harrodsburg Road to the Lane Allen Road and in a northwestwardly direction along the center line of Lane Allen Road to Garden Springs Drive; then in a southwestwardly direction along the center line of Garden Springs Drive to Cypress Drive; then

in a southeastwardly direction along Cypress Drive to Poppy Lane; then in a southwestwardly direction along a line extended from the end of Poppy Lane to the point opposite Aster Road and in a southeastwardly direction along a line extending from the end of Aster Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to the New Circle Road and in a northwestwardly direction along the center line of New Circle Road to a point opposite the center line of Lansill Road and in a northeastwardly direction along the center line of Lansill Road to a point on the Lane Allen Road; then continuing in a northeastwardly direction along the center line of Traveller Road to the northwest property line of Antietam Road; then in a generally northwardly direction along the line between the rear property lines of Traveller Road and Alexandria Drive to the Parkers Mill Road; then continuing in a generally northwardly direction along the center line of the Parkers Mill Road to Versailles Road; then in a westwardly direction along the center line of Versailles Road to the New Circle Road, the point of beginning.

(78) Seventy-eighth District: That part of Fayette County contained within the following boundaries: Beginning on Versailles Pike (US 60) at the Woodford County line; then eastwardly with the center line of the Versailles Pike to the intersection with the New Circle Road, then continuing along the Versailles Pike to Parkers Mill Road; then in a generally southwardly direction along the center line of Parkers Mill Road and continuing in a southerly direction along the rear property lines of Traveller Road and Alexandria Drive to the northwestwardly property line of Antietam Road and in a southwestwardly direction with said property line of Antietam Road to the center line of Traveller Road and with the center line of Traveller Road to the Lane Allen Road; then in a southwestwardly direction to the center line of Lansill Road, continuing along the center line of Lansill Road and on to New Circle Road and in a southeastwardly direction along the center line of the New Circle Road to the Harrodsburg Road and in a northeastwardly direction along the center line to the Harrodsburg Road to a point opposite Aster Road and in a northwestwardly direction along a line to a point opposite Poppy Lane; then in a northeastwardly direction along a line to the end of Poppy Lane and continuing

on the center line of Poppy Lane to Cypress Drive; then in a northwestwardly direction along the center line of Cypress Drive to Garden Springs Drive; then in a northeastwardly direction along the center line of Garden Springs Drive to Lane Allen Road; then in a southeastwardly direction along the center line of Lane Allen Road to the Harrodsburg Road and in a southwestwardly direction along the center line of the Harrodsburg Road to Longview Drive; then in a southeastwardly direction along the center line of Longview Drive to Clays Mill Road; then in a northeastwardly direction along the center line of Clays Mill Road to Harrodsburg Road continuing in a northeastwardly direction along the center line of the Harrodsburg Road to its intersection of Waller Avenue; then in a southeastwardly direction along the center line of Waller Avenue to South Limestone; then in a northeastwardly direction along the center line of North Limestone to Rose Street continuing in a northeastwardly direction along the center line of Rose Street to Huguelet, then in a southeastwardly direction along the center line of Huguelet to Woodland Avenue; then in a northeastwardly direction along the center line of Woodland Avenue to Columbia Avenue; then in a southeastwardly direction along the center line of Columbia Avenue to Lafayette Avenue and continuing along the center line of Sunset (Columbia Avenue) to the Tates Creek Pike; then in a generally southerly direction along the center line of Tates Creek Pike to Lansdown Drive; then in a southwestwardly direction along the center line of Lansdowne Drive to Zandale Drive; then in a northwestwardly direction along the center line of Zandale Drive to South Limestone (Nicholasville Pike); then in a southwestwardly direction along the center line of Nicholasville Pike to the Wilson-Downing Road; then in a southeastwardly direction along the center line of the Wilson-Downing Road to the Tates Creek Pike (Ky 1974); then in a generally southerly direction along the center line of the Tates Creek Pike to the Fayette County line; then along the Fayette County line in a generally northwestwardly direction to the Versailles Pike (US 60), the point of beginning.

(79) Seventy-ninth District: That part of the county of Fayette contained within the following boundaries: Beginning at the Kentucky River at the landing of Tates Creek Pike; then in a generally northwestwardly direction along the center line

of the Tates Creek Pike to the Wilson-Downing Road; then continuing in a northwestwardly direction along the center line of the Wilson-Downing Road to the Nicholasville Road and in a northeastwardly direction along the center line of the Nicholasville Road (South Limestone) to Zandale Drive; then in a southeastwardly direction along the center line of Zandale Drive to Lansdowne Drive; then in a northeastwardly direction along the center line of Lansdowne Drive to Tates Creek Pike; then in a generally northwardly direction along the center line of Tates Creek Pike (East High Street) to Ransom Avenue and in a northwestwardly direction along the center line of Ransom Avenue to East Main Street and in a southeastwardly direction along the center line of East Main Street to Walton Avenue; then in a northwestwardly direction along the center line of Walton Avenue to East Third Street; then in a southeastwardly direction along the center line of East Third Street to a point opposite the northwestern property line of Richmond Avenue; then in a southwestwardly direction along said property line of Richmond Avenue to East Main Street and in a southeastwardly direction with the center line of East Main Street to Henry Clay Boulevard and in a northwestwardly direction with the center line of Henry Clay Boulevard to Menifee Avenue and in a southeastwardly direction along the center line of Menifee Avenue to a point in the southeastern property line of Holiday Road; then in a northeastwardly direction along said property line of Holiday Road to the Chesapeake and Ohio Railroad tracks and in a southeastwardly direction with the right-of-way of the Chesapeake and Ohio Railroad to the New Circle Road; then in a generally northerly direction along the center line of the New Circle Road to the Winchester Pike (US 60) and in a generally eastwardly direction along the Winchester Pike to the Interstate 64-75 interchange; then in a northwestwardly direction with the right-of-way of Interstate 64-75 to the Bryan Station Pike (Ky 956) and in a northwestwardly direction along the center line of the Bryan Station Pike to the Muir Station Pike; then in a southeastwardly direction along center line of the Muir Station Pike to the Briar Hill Pike; then in a northeastwardly direction along the center line of the Briar Hill Pike to the Bourbon County line; then following the Fayette County line in a generally southerly direction to the Kentucky River and

along the Kentucky River to the Tates Creek Pike, the point of beginning.

(80) Eightieth District: Lincoln and Rockcastle Counties and that part of Pulaski County contained within the following voting precincts: Eubank 25, Estesburg 26, Hazeldell 27, Good Hope 28 and Catron 31.

(81) Eighty-first District: That part of Madison County not contained in the Eighty-fourth District.

(82) Eighty-second District: Whitley County; that part of McCreary County contained within the County Census Division of Pine Knot bounded by: Blue Heron Road extended, Blue Heron Road, State Highway 742, U. S. Highway 27, Laurel Creek, Marsh Creek, Duck Run, county line, state line, South Fork Cumberland River; that part of McCreary County contained within the County Census Division of Cooperative bounded by: South Fork Cumberland River, South Fork Cumberland River, state line, county line; that part of McCreary County contained within the County Census Division of Stearns bounded by; Lick Creek, Bridge Fork, Laurel Creek, Laurel Creek, U. S. Highway 27, State Highway 742, Blue Heron Road, Blue Heron Road extended, South Fork Cumberland River.

(83) Eighty-third District: That part of Pulaski County not contained in the Eightieth District.

(84) Eighty-fourth District: Estill and Jackson Counties and that part of Madison County contained in the City of Berea and in voting precincts 19 and 20.

(85) Eighty-fifth District: Laurel County and that part of McCreary County not contained in the Eighty-second District.

(86) Eighty-sixth District: Knox County; that part of Clay County contained in the voting precincts 1, 7, 8, 12, 14, 15.

(87) Eighty-seventh District: Bell County and that part of Harlan County contained in voting precinct Pathfork 41.

(88) Eighty-eighth District: That part of Harlan County not contained in the Eighty-seventh and Ninetieth Districts.

(89) Eighty-ninth District: Breathitt and Lee Counties and that part of Wolfe County not contained in the Seventy-first

District, and that part of Perry County contained in Census County Division of Big Creek, Blue Diamond Buckhorn, Yerkes-Busy and Krypton's lying north and east of the following boundary; Leslie County line, Big Creek-Right Fork Divide, Buffalo Fork Big Creek-Buffalo Creek Divide, Brown's Fork-Buffalo Creek Divide, Messer Branch-Davidson Branch Divide, Happy Hollow, Hazard City limits, Walker Branch-North Fork Kentucky River Divide; Laurel Fork-Lost Creek-First Creek Divide, Sixteenmile Creek-Lower Second Creek Divide, Lost Creek, Grapevine Creek Divide, Tenmile Creek-Grapevine Creek Divide, Breathitt County line, Owsley County line, and Clay County line.

(90) Ninetieth District: Leslie and Owsley Counties, and that part of Harlan County contained in the voting precincts of Pine-Mountain-Big Laurel No. 11, Bledsoe No. 12, New Baxter No. 9, Old Baxter No. 8, School House Loyall No. 35, City Hall Loyall No. 34, Rio Vista No. 36, and Putney No. 10, and that part of Clay County contained in voting precincts 2, 3, 4, 5, 6, 9, 10, 11, 13.

(91) Ninety-first District: That part of Perry County not contained in the Eighty-ninth District, and that part of Letcher County not contained in the Ninety-second District.

(92) Ninety-second District: Knott and Magoffin Counties; that part of Letcher County contained in Census County Division of Blackey, Colson, Fleming-Neon, and Census Enumeration Districts 21 and 22, lying northwest of the following boundary; Perry County line, Turkey Creek-Defeated Creek Divide, Whittaker Branch Road, Tolson Branch Road, Kentucky Highway 588, Mills Branch Road, Mills Branch Spur Road, Rockhouse Creek-Smoot Creek Divide, Kentucky Highway 15, Smoot Creek-Dry Fork Divide, Rockhouse Creek-North Fork Kentucky River Divide, Millstone Creek Road, Kentucky Highway 803, State Highway 113, North Fork Kentucky River, U. S. Highway 119, Seco City limits, U. S. Highway 119, Jenkins City limits, McRoberts City limits, Fleming City limits, and from Hemphill-Jackhorn P. O. due north to Pike County line, including the cities of Seco and Fleming.

(93) Ninety-third District: That part of Pike County contained in voting precincts Caney 20, Yeager 21, Old Shelby 22,

Long Fork 23, Dorton 24 and Elmwood in District 2; Marrowbone 30, Rockhouse 31, Henry Clay 32, Hellier 33, Ashcamp 34 and Rasnick 35 in District 3; Millard 40, Lick Creek 42, Grapevine 43, and Garden Village 46 in District 4; Raccoon 51 in District 5; Peter 70, Blackberry 71, Knox 72, Freeburn-Cline 73, Wolford 74, Bluesprings 75, Majestic 76 in District 7; Mouthcard 80, Upper Elkhorn 81, Elkhorn City Hall 82, Belcher 83, Feds Creek 84, Looney 85 in District 8.

(94) Ninety-fourth District: That part of Pike County not contained in the Ninety-third District; that part of Floyd County not contained in the Ninety-fifth District.

(95) Ninety-fifth District: Floyd County except for the voting precincts Herold, Toler Creek, Antioch, Branhams Creek, Head of Mud, Tickey.

(96) Ninety-sixth District: Carter and Lewis Counties.

(97) Ninety-seventh District: Johnson and Martin Counties, and that part of Lawrence County contained in voting precincts 7, 9, 10, 11, 12, 13, and 14.

(98) Ninety-eighth District: That part of Greenup County not contained in the One hundredth District.

(99) Ninety-ninth District: Elliott County and that part of Lawrence County contained in voting precincts 1, 2, 3, 4, 5, 6, and 8, and that part of Boyd County containing the following voting precincts: Court House 1, City Building 2, Argo 3, Hampton 4, Rockdale 5, England Hill 7, Durbin 8, East Fork 9, Cannonsburg 10, Princess 11, Garner 12, Hoods Creek 13, Fairview 14, Buckley 15, Westwood 16, Millseat 17.

(100) One hundredth District: That part of Boyd County not contained in the Ninety-ninth District, and that part of Greenup County contained in Census Enumeration District 10, known as Bellefonte City, bounded by county line, Country Club Drive (State Highway 693) to its junction with State Highway 1725, then southeastwardly to the county line.

Section 7. In the event any Representative now elected should resign or die prior to the expiration of his term, the vacancy shall be filled by an election for the unexpired term, as now provided by law in the Representative District as defined in KRS 6.031.

Adjournment

Representative Swinford moved that the House adjourn until 10:00 a.m., Tuesday, June 13, 1972. Agreed.

TUESDAY, JUNE 13, 1972
FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Herman M. Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives Blandford, Blythe, Chapman, Clapp, Hurst, and Overstreet.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Hughes moved that the reading of the Journal of June 12, 1972, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 13, by Representatives Wood and Moremen: A RESOLUTION honoring James T. Fleming.

HR 14, by Representatives Bruce, J. Hardin, R. Graves, McBrayer, Van Horn, Head, Hinkle, Lindsay, Louden, Lewis, DeMarcus, Wood, Wenz, West, Parish, Watkins, Hughes, and Dunn: A RESOLUTION wishing the Honorable George Wallace, Governor of Alabama a speedy recovery and return to total good health.

HR 15, by Representative Wenz: A RESOLUTION honoring the one hundred and fiftieth anniversary of Flemingsburg, Kentucky, which was founded in 1882.

HR 12, by Representatives McBrayer and Clark: A RESOLUTION directing the formulation of a Kentucky Environmental and Economic Development Policy.

HR 16, by Representatives Peak, Van Horn, Hinkle, Head, Richardson, Kenton, J. Graves, Allen, White, Lewis, McBrayer, Kidd, Sale, Lindsay, DeMarcus, and Swinford: A RESOLUTION calling for the restoration, preservation and care of the Henry Clay Monument.

Calendar

SB 1, SB 2, SB 3, SB 4, SB 5, SR 1, and **SR 3** taken from the Calendar and ordered read at length for the second time. Repre-

sentative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Bruce moved the adoption of the following HR 14:

HR 14, A RESOLUTION wishing the Honorable George Wallace, Governor of Alabama a speedy recovery and return to total good health.

WHEREAS, the Honorable George C. Wallace has served the sovereign State of Alabama for many years as its Governor; and

WHEREAS, Governor Wallace has proven himself a great American drawing extensive political support as presidential candidate in 1968; and

WHEREAS, Governor Wallace, a front runner for the Democratic nomination for the Presidency in this election year has been stricken by assassin's bullets; and

WHEREAS, all America has expressed with compassionate intensity the hope that he will recover both rapidly and completely; and

WHEREAS, the people of the Commonwealth of Kentucky likewise wish Governor Wallace a speedy and total recovery.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That Governor Wallace have a speedy recovery and return to total health.

Section 2. That the House Clerk direct a copy of this resolution to the Honorable George C. Wallace, Governor of Alabama.

Agreed.

Representative Peak moved the adoption of the following HR 16:

HR 16, A RESOLUTION calling for the restoration preservation and care of the Henry Clay Monument.

WHEREAS, the Honorable Henry Clay was elected a member of this House in 1803 and in 1808 became its Speaker; and

WHEREAS, after filling two unexpired terms in the United States Senate, in 1811, Henry Clay was elected to the United States Congress and in 1813 became its Speaker; and

WHEREAS, Henry Clay left the United States to negotiate a peace with England resulting in the Treaty of Ghent in 1814; and

WHEREAS, upon return he found himself once again elected to the United States Congress where he served between 1815 and 1821; and

WHEREAS, in 1821 he was appointed Secretary of State under John Quincy Adams; and

WHEREAS, after election to the United States Senate in 1831, he was twice nominated by his party as a candidate for President; and

WHEREAS, after forty years of public service he retired to his home in Lexington known as Ashland; and

WHEREAS, the Honorable Henry Clay was one of Kentucky's most distinguished statesmen; and

WHEREAS, upon his death a monument was erected to his memory in the beautiful Lexington cemetery, paid for principally by public donations, and

WHEREAS, the Commonwealth has appropriated money for the maintenance and restoration of said monument three different times; and

WHEREAS, the Commonwealth has not allocated funds for maintenance of the monument in the last sixty years; and

WHEREAS, the monument has deteriorated to a bad state of repair, a fact thereby reflecting unfavorably upon this Commonwealth; and

WHEREAS, a loyal Kentuckian and great American should have his resting place maintained with dignity;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this House respectfully request the Governor to designate the proper department of state government to determine the necessary repairs, after which appropriating funds for said restoration such that the memory of the Honorable Henry Clay shall not be lost to future generations.

On the roll call the vote was yeas 83–Allen, Blume, Boone, Brewer, Brown, Bruce, Burch, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Isler, Jones, Kafoglis, Karem, Kelly, Kenton, Kidd, King, Kleier, Lewis, Lile, Lindsay, Louden, McBee, McBrayer, McGill, Mann, Marrs A. May, Mershon, Moremen, Morgan, Nett, Parish, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Watkins, Wells, Wenz, West, White, Wible, Wood. Nays 0.

HR 16 was adopted.

Representative Wenz moved the adoption of the following HR 15:

HR 15, A RESOLUTION honoring the one hundred and fiftieth anniversary of Flemingsburg, Kentucky, which was founded in 1882.

WHEREAS, Flemingsburg was founded in 1882; and

WHEREAS, Flemingsburg has and presently serves as the seat of government for the county of Fleming; and

WHEREAS, the week of July 10 through July 16 is especially set aside to commemorate Flemingsburg's one hundred and fiftieth anniversary;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the first Special Session of the 1972 General Assembly does on this 13th day of June, 1972, hereby pay tribute to and recognize the many contributions of the citizens and the City of Flemingsburg to the Commonwealth of Kentucky, on its one hundred and fiftieth anniversary.

Section 2. That a copy of this resolution be sent to the Mayor of Flemingsburg, the Honorable Jack Thomas.

Agreed.

Representative Wood moved the adoption of the following **HR 13:**

HR 13, A RESOLUTION honoring James T. Fleming.

WHEREAS, James T. Fleming, former Director of the Legislative Research Commission, has removed to the confines of another state agency his considerable skill and knowledge on legislative service, accumulated over the span of a quarter century devoted thereto; and

WHEREAS, James T. Fleming, having renounced all aspiration for the Papacy or the Presidency, did eventually succumb, as all must, to the enticements of the Governor; and

WHEREAS, the General Assembly and the Legislative Research Commission find themselves the poorer for his loss, and will miss severely his counsel, leadership, cooperation and guidance; and

WHEREAS, the said Mr. Fleming long will bear the respect, admiration and friendship of those many legislators and staff with whom he served so diligently through the years;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby extend its warmest best wishes to James T. Fleming, taking due note of his long and commendable service as Director of the Legislative Research Commission, and bids him well in every future endeavor.

Section 2. That when the House of Representatives adjourns this day, June 13, 1972, it does so in honor and recognition of James T. Fleming.

Section 3. That the Clerk of the House of Representatives be directed to transmit a copy of this resolution to James T. Fleming.

Agreed.

Representative Clarke moved the adoption of the following HR 12:

HR 12, A RESOLUTION directing the formulation of a Kentucky Environmental and Economic Development Policy.

WHEREAS, technology and "progress" are continuously confronting the people of the United States and the Commonwealth of Kentucky with new and seemingly insurmountable problems, and

WHEREAS, there is a great need to conserve and make the best use of our natural and human resources and resolve the natural and man-made problems that beset our environment and our society, and

WHEREAS, problems of economic development and environmental pollution can be alleviated by appropriate application of research, and

WHEREAS, the Commonwealth is fortunate to possess great natural and agricultural resources as well as the research capabilities and potential of its agencies and universities, Spindletop Research and the Kentucky Commission on Science and Technology, and

WHEREAS, there is a need to firmly coordinate and focus the research capabilities of the Commonwealth on the increasing number of complex problems facing the legislature, state agencies, political subdivisions, planning districts and individual residents, and

WHEREAS, the Commonwealth lacks any overall statement of development policy in regard to the preservation, growth, exploration and maximum utilization of its natural and human resources,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be directed to seek financial assistance from the National Science Foundation for the formulation, with the advice and consent of appropriate state agencies and institutions, of an Environmental and Economic Development Policy for the Commonwealth. This policy will address itself specifically to:

(1) recommending communication policies and organizational relationships that will facilitate the transfer of information from those federal, state and private agencies and organizations with scientific and technological expertise and knowledge to the state legislature and those state agencies, organizations, political subdivisions, planning districts and individuals who could benefit from it,

(2) identifying and developing a priority for the research needs of the Commonwealth, and

(3) identifying Kentucky's research capabilities with respect to meeting these needs,

(4) providing an overall state management plan for research and development to enable the Commonwealth to bring the appropriate resources to bear on its needs,

(5) redefining the role of the Kentucky Science and Technology Commission and Advisory Council.

Agreed.

Representative Clarke moved that a roll call be taken to show co-sponsors of **HR 12.** Agreed.

The co-sponsors of **HR 12** are as follows:

Representatives Allen, Blume, Boone, Brewer, Burch, Clarke, Conn, DeMarcus, Donnermeyer, Dunn, J. Graves, R. Graves, J. Hardin, L. Hardin, Hart, Head, Hellard, Hinkle, Holbrook, Hopkins, Jones, Kafoglis, Karem, Kenton, Kidd, Lewis, Lile, Louden, McBrayer, McBride, McGill, Mann, M. May, W. May, Maynard, Mershon, Nett, Peniston, Pollitte, Prather, Reed, Reynolds, Richardson, Rowland, Sale, Schmaedecke, Searcy, Sharpe,

Simmons, Skaggs, Smith, Swinford, Thomas, West, Wible, Williams, Wright, Yates.

Announcements

Representative Kleier moved that the Rules be suspended for action on **HR 10.** Agreed.

Representative Kleier moved that **HR 10** be withdrawn. Agreed.

Representative Reynolds announced a majority party caucus on adjournment in the caucus room.

The Speaker announced a meeting of the Committee on Rules on adjournment.

Adjournment

Representative Swinford moved that the House adjourn until 10:00 a.m., Wednesday, June 14, 1972.

On the roll call the vote was yeas 57—Blume, Boone, Brewer, Burch, Clarke, Conn, Davis, R. Graves, L. Hardin, Hart, Head, Hellard, Hinkle, Holbrook, Howell, Hughes, Isler, Kafoglis, Kidd, Lewis, Louden, McBee, McBrayer, McGill, Mann, M. May, Mershon, Moremen, Nett, Parish, Peak, Peniston, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Sharpe, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, West, White, Williams, Wood, Yates. Nays 6—Karem, Kenton, Kleier, Lile, Maynard, Siemens.

The motion to adjourn was adopted.

WEDNESDAY, JUNE 14, 1972
SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend John C. Chenault, First Christian Church, Frankfort.

The roll was called. All present except Representatives Chapman, Justice, Lile, and Parish.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Hughes moved that the reading of the Journal of June 13, 1972, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 17, by Representative Schmidt: A RESOLUTION concerning the location of the city of Highland Heights.

HR 18, by Representatives R. Graves, Schmidt, McBride, and Clapp: A RESOLUTION honoring W. Hickman Baldree.

HR 19, by Representatives Mann, Donnermeyer, and Schmidt: A RESOLUTION commending Inter Lake Steel Corporation for leadership in air pollution control.

HR 20, by Representative Swinford: A RESOLUTION commending the staff of the Legislative Research Commission.

HR 21, by Representative Swinford: A RESOLUTION commending the Subcommittee on Reapportionment.

Report of Committees

The Committee on Rules reported **SB 1, SB 2, SB 3, SB 4, SB 5, SR 1,** and **SR 3** have been posted for passage in Orders of the Day, June 13, 1972.

Motions, Petitions and Communications

Representative R. Graves moved the adoption of the following **HR 18:**

HR 18, A RESOLUTION honoring W. Hickman Baldree.

WHEREAS, W. Hickman Baldree, a dedicated servant of the people for thirty (30) years with the Department of Education is approaching retirement age and will leave his post on July 1, 1972; and

WHEREAS, W. Hickman Baldree is known by his colleagues for his professional ability, diligence and punctuality in performing his duties as Director of Coordination and Planning of the Bureau of Rehabilitation Services; and

WHEREAS, this educator's career began fifty years ago as a teacher in a one-room schoolhouse in McCracken County and moved across ever higher plateaus, including that of Superintendent of the Graves County School System; and

WHEREAS, W. Hickman Baldree is known for his devotion to his wife, Carrie Woodall Baldree, his church and his community as a faithful husband and christian steward; and

WHEREAS, co-workers will honor W. Hickman Baldree with a luncheon on this date (June 14, 1972) to express their love and respect;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this House does hereby express its good wishes to W. Hickman Baldree and when it adjourns on this date, does so in his honor.

Agreed.

Representative Mann moved the adoption of the following HR 19:

HR 19, A RESOLUTION commending Inter Lake Steel Corporation for leadership in air pollution control.

WHEREAS, it is recognized that the purity and life-giving qualities of our environment are of great concern to the people of the Commonwealth; and

WHEREAS, clean air is essential to the social and economic development of a community; and

WHEREAS, Inter Lake Steel has exhibited a deep interest in ecology and outstanding leadership in air pollution control by the installation of new and costly equipment at their Wilder Kentucky Plant to keep the air clean;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That Inter Lake Steel Corporation be and hereby is commended for its leadership in air pollution control.

Section 2. That the Clerk of the House be directed to transmit a copy of this resolution to the President of Inter Lake Steel Corporation.

Agreed.

Representative Schmidt moved the adoption of the following HR 17:

HR 17, A RESOLUTION concerning the location of the city of Highland Heights.

WHEREAS, the City of Highland Heights is one of the most progressive and beautiful cities in the Commonwealth, and

WHEREAS, the City of Highland Heights has been located by the Commonwealth's Highway Department for the construction of two interstate highways, I-471 and I-275, and

WHEREAS, the Honorable Louie B. Nunn located the City of Highland Heights for the site of the Commonwealth's newest and greatest institutions of higher education, and

WHEREAS, the Honorable Wendell Ford found Highland Heights for the site of a new library at Northern Kentucky State College, and

WHEREAS, the United States Department of Commerce, Bureau of the Census, keeps losing Highland Heights in its Census and demographic information,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the United States Department of Commerce makes a greater effort in the future to locate and count the wonderful citizens of Highland Heights.

Section 2. A copy of this resolution be sent to the United States Department of Commerce, Bureau of the Census.

On the roll call the vote was yeas 86—Allen, Blandford, Blume, Bythe, Boone, Brewer, Brown, Bruce, Burch, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Woodford May, Maynard, Mershon, Moremen, Morgan, Nett, Overstreet, Peak, Peniston, Pollitte, Prather, Priddy, Rattliff, Reed, Reynolds, Richardson, Rowland, Sale, Schmaedecke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Wenz, West, Wible, Wright, Yates. Nays 0.

HR 17 was adopted.

Representative Kleier moved that the Rules be suspended to introduce and act upon a Resolution. Agreed.

HR 22, by Representative Kleier: A RESOLUTION requesting a study of the preparation of tax forms by unlicensed persons.

HR 22, A RESOLUTION requesting a study of the preparation of tax forms by unlicensed persons.

WHEREAS, the preparation of tax forms by unlicensed persons has become a widespread practice throughout the Commonwealth; and

WHEREAS, the United States Internal Revenue Service has revealed a widespread abuse in the preparation of federal tax forms by unlicensed persons; and

WHEREAS, it is to the best interest of the Commonwealth that its citizens be protected from these abuses;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be requested to undertake a comprehensive study of the preparation of tax forms by unlicensed persons.

Section 2. That all agencies of this Commonwealth and of its political subdivisions be requested to assist the Legislative Research Commission and its staff in the study, and shall make available for the purposes of such study access to such documents, data and records as are relevant to the study.

Section 3. That the Commission report its findings and recommendations to the 1974 General Assembly, and summarize its findings in a report to the General Assembly prior to December 1, 1973.

Representative Kleier moved the adoption of **HR 22.** Agreed.

Representative Chapman requested that he be recorded as voting "yea" on **HB 3, HB 4, HB 5, HB 6, HB 7, HR 2,** and **HR 3.**

Senate Message

Announcing passage of **HB 4, HB 5,** and **HR 3.**

Motions, Petitions and Communications (Continued)

Representative Schmaedecke moved the adoption of the following **HR 9:**

HR 9, A RESOLUTION relating to a study of the proposed amendment of the Constitution of the United States as proposed by House Joint Resolution 208 of the Ninety-second Congress (Second Session).

WHEREAS, the Congress of the United States has proposed amendment of the Constitution of the United States relative to the rights of women; and

WHEREAS, it is the Constitutional duty of the states to assess the merits of proposed constitutional amendments and to give or withhold their approval of same; and

WHEREAS, the area of equal rights for women is both timely and important; and

WHEREAS, the impact of the passage of the said amendment would greatly affect the laws of Kentucky with regard to present statutory provisions relating to women; and

WHEREAS, at the present time, no one knows all of the statutes or regulations which may be affected by this amendment; and

WHEREAS, the Kentucky General Assembly wishes to give informed consideration to this most important topic;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, in cooperation with the Attorney General of Kentucky, shall, and is hereby directed to, undertake a study of the statutory and regulatory provisions of Kentucky law which would be affected by the proposed Constitutional amendment relating to women's rights and to report to the General Assembly not later than June 30, 1973 upon the statutes and regulations which would be affected and the amendments, new statutes, or repealing of statutes which would be necessary to conform with the said amendment should it be passed.

Section 2. That copies of this resolution be sent to the Attorney General and to the Director of the Legislative Research Commission.

Agreed.

Representative Swinford moved that the House recess until 1:00 p.m.

Representative Swinford moved that his motion that the House recess until 1:00 p.m. be withdrawn. Agreed.

Orders of the Day

Representative Swinford moved that consideration of **SB 1, SB 2,** and **SB 3** be deferred and that they retain their position in Orders of the Day. Agreed.

SB 4, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that the Committee Amendment to **SB 4** be withdrawn. Agreed.

Representative Swinford moved the adoption of the following Amendment No. 2 to **SB 4:**

Amend printed copy of Senate Bill 4, page 3, line after line 6, by adding the following section:

"Section 4. A new section of Chapter 289 of the Kentucky Revised Statutes is hereby created to read as follows:

The Commissioner of Banking shall have full authority to issue administrative regulations and promulgate orders to carry out the provisions of Chapter 289 of the Kentucky Revised Statutes."

Agreed.

Representative Kenton moved the adoption of the following Amendment No. 3 to **SB 4:**

Amend printed copy of Senate Bill 4, page 3, line 6, by adding a new section to read as follows:

"Section 5. A new section of KRS Chapter 289 is created to read as follows:

(1) Any savings and loan association that is not fully insured by the Federal Savings and Loan Insurance Corporation shall, in any advertisement, on all passbooks and all other printed forms of communication carry the following statement: 'This association is not federally insured.'

(2) Any association that violates subsection (1) of this section by not carrying the required statement, or by carrying a statement that an application for insurance is pending when in fact it is not, shall be fined $500 for each offense.

(3) This section shall take effect January 1, 1973."

Agreed.

Representative J. Graves moved the adoption of the following Amendment No. 4 to SB 4. Agreed

Amend printed copy of Senate Bill 4, page 1, line 7, after the date July 1, 1974, by adding the following: "provided, however, that savings and loan associations which are not so insured, shall be required to have an annual, certified public accountant certified audit at its own expense at the close of each fiscal year until they become fully insured. Certified copies of such audit reports shall be sent to the Commissioner of Banking and Securities within 120 days after the close of the fiscal year of the institution. Said reports shall constitute public records and shall be available for public inspection."

and on page 1, line 7, by changing the words, "provided, however," to read: "Provided, further,"

and on page 2, line 13, by inserting after the line, the following:

"Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

Agreed.

Representative Swinford moved that action on SB 4 as amended be deferred and that it retain its position in Orders of the Day. Agreed.

SB 5 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 89—Allen, Blandford, Blume, Blythe, Boone, Brewer, Brown, Bruce, Burch, Chapman, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Wood-

ford May, Mershon, Moremen, Morgan, Nett, Overstreet, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Reed, Reynolds, Richardson, Schmaedecke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Wells, Wenz, West, White, Wible, Williams, Wood, Wright, Yates. Nays 1—Robinson.

SB 5 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 5** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SR 1 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84—Allen, Blandford, Blume Blythe, Boone, Brewer, Brown, Bruce, Chapman, Clapp, Conn, Davis, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Mershon, Moremen, Morgan, Overstreet, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Schmaedecke, Schmidt, Searcy, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Wells, Wenz, West, White, Wible, Williams, Wood, Wright, Yates. Nays 0.

SR 1 was passed and the title agreed to.

SCR 3 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Allen, Blandford, Blume, Blythe, Boone, Brewer, Brown, Bruce, Burch, Chapman, Clapp, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kenton, Kes-

singer, Kidd, King, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McGill, Mann, Marrs A. May, Woodford May, Mershon, Moremen, Morgan, Nett, Overstreet, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Schmaedecke, Schmidt, Searcy, Sharpe, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Wells, Wenz, West, White, Wible, Williams, Wood, Wright, Yates. Nays 0.

SCR 3 was passed and the title agreed to.

Recess

Representative Swinford moved that the House recess until 1:00 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (Continued)

Representative Swinford moved that SB 4 as amended be taken from Orders of the Day and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that the vote by which Amendment No. 4 to SB 4 was adopted be reconsidered. Agreed.

Representative Swinford moved that Amendment No. 4 to SB 4 be withdrawn. Agreed.

Representative J. Graves moved the adoption of the following Amendment No. 6 to SB 4:

Amend printed copy of Senate Bill 4 page 1, line 7, after the date July 1, 1974; by adding the following: "provided, however, that prior to the effective date of KRS 289.451(13) and 289.461(2)(k), savings and loan associations which are not so insured, shall be required to have an annual, certified public accountant certified audit at its own expense at the close of each fiscal year until they become so insured; signed copies of such certified audit shall be sent to the Commissioner of Banking and Securities within 120 days after the close of the fiscal year of the institution; said audits shall constitute public records and shall be available for public inspection."

and, on page 1, line 7, by changing the words "provided, however," to read: "Provided, further,"

and, on page 3, below line 6, by inserting after the line, the following:

"Section 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

On the roll call the vote was yeas 77—Allen, Blandford, Blume, Blythe, Boone, Brewer, Brown, Burch, Chapman, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Hellard, Hinkle, Holbrook, Hopkins, Howell, Hughes, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kenton, Kessinger, King, Kleier, Lewis, Louden, McBee, McBrayer, McGill, Mann, Marrs A. May, Woodford May, Mershon, Morgan, Nett, Paxton, Peak, Peniston, Prather, Quickert, Rattliff, Reed, Reynolds, Richardson, Rowland, Sale, Schmaedecke, Schmidt, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Wells, Wenz, West, Wible, Williams, Wood, Wright, Yates. Nays 1—McBride.

Amendment No. 6 to SB 4 was adopted.

Representative Hughes moved the adoption of the following Amendment No. 5 to SB 4:

Amend printed copy of Senate Bill 4, page 3, after line 6, by adding the following:

"Section 4. A new section of KRS Chapter 289 is created to read as follows:

Whenever a savings and loan association licensed under this chapter becomes insolvent due to mismanagement, judged by commonly accepted principles of management, the officers and directors of the association, and the full estates of each of them, shall be jointly and severally liable to the depositors of the association for all losses suffered by the depositors."

On the roll call the vote was yeas 18—Blythe, Burch, Chapman, Clapp, Clarke, Hart, Hellard, Hinkle, Hopkins, Hughes,

Isler, Johnson, Kenton, Morgan, Peak, Priddy, Stuart, Van Horn. Nays 58—Allen, Blandford, Blume, Boone, Brewer, Brown, Bruce, Davis, DeMarcus, Dunn, Floyd, J. Graves, R. Graves, L. Hardin, Harris, Holbrook, Holloway, Howell, Imes, Jones, Kafoglis, Karem, Kelly, Kessinger, Lewis, McBee, McBrayer, McBride, McGill, M. May, W. May, Moremen, Nett, Overstreet, Paxton, Peniston, Pollitte, Prather, Quickert, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Sharpe, Simmons, Skaggs, Smith, Swinford, Thomas, Watkins, West, Wible, Wood, Yates.

Amendment No. 5 to **SB 4** was rejected.

On the roll call the vote was yeas 92—Allen, Blandford, Blume, Blythe, Boone, Brewer, Brown, Bruce, Burch, Chapman, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hughes, Hurst, Imes, Isler, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A., May, Woodford May, Mershon, Moremen, Morgan, Nett, Overstreet, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Simmons, Skaggs, Smith, Stuart, Swinford, Thomas, Van Horn, Watkins, Wells, Wenz, West, White, Wible, Wood, Wright, Yates. Nays 0.

SB 4 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 4** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the clincher motion be removed from **SB 4.** Agreed.

Representative Swinford moved the adoption of the following Title Amendment to **SB 4:**

Amend printed copy of Senate Bill 4, page 1, by changing the title to read:

"AN ACT relating to the law governing insurance required to be provided by state chartered savings and loan associations

and the licensing of state chartered savings and loan associations."

SB 4 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 4** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 1** be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 63—Allen, Blandford, Blume, Brewer, Bruce, Burch, Chapman, Clapp, DeMarcus, Donnermeyer, Dunn, Floyd, Ralph Graves, John O. Hardin, III, Lucian T. Hardin, Harris, Hart, Hinkle, Holbrook, Howell, Hughes, Isler, Jones, Kelly, Kessinger, Kidd, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Marrs A. May, Woodford May, Mershon, Moremen, Morgan, Peak, Peniston, Prather, Priddy, Reed, Reynolds, Richardson, Robinson, Rowland, Sale, Sharpe, Siemens, Skaggs, Smith, Swinford, Thomas, Van Horn, Watkins, Wenz, West, Wible, Wood, Wright, Yates. Nays 21—Blythe, Boone, Clarke, Conn, J. Graves, Hellard, Hopkins, Hurst, Johnson, Kafoglis, Karem, Kenton, King, Kleier, Nett, Quickert, Schmaedecke, Schmidt, Simmons, Stuart, White.

The motion that consideration of **SB 1** be deferred and that it retain its position in Orders of the Day was adopted.

Senate Message

Announcing passage of **HB 3.**

Report on Enrolled Bills

The Committee on Enrollment reported **HR 3, HB 4, SB 5, SR 1,** and **SR 3** have been examined and found correctly enrolled. **HR 3, HB 4, SB 5, SR 1,** and **SR 3** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HR 3 and **HB 4** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (Continued)

SB 2, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the following Amendment No. 10 to **SB 2**:

Amend printed copy of Senate Bill 2, page 5, lines 26 and 27, by striking lines 26 and 27 and substituting therefor the following:

"that part of Whitley County not contained in the Twenty-first District."

and on page 6, line 13, by striking line 13 and substituting therefor the following:

"the City of Corbin, except for voting precinct Corbin 15."

Agreed.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **SB 2**. Agreed.

Representative Swinford moved the adoption of the following Amendment No. 12 to **SB 2**:

Amend typewritten copy of State Government Committee Amendment to Senate Bill 2 on page 5, by striking the 28th District in its entirety and substituting the following:

"(28) Twenty-eighth District: That part of Jefferson County containing voting precincts C7, C31, C33, C40, C43, C45, C47, C56, C57, C58, C65, C66, C72, C73, C78, C79, C82, C90 and C91 of C District of the County."

and on page 10, by striking Districts 63, 64 and 65 in their entirety and substituting therefor the following:

"(63) Sixty-third District: That part of Kenton County containing the following voting precincts: Crestview, Edgewood 1, 2 and 3; Erlanger 1, 2, 3, and 7; Fort Mitchell 1, 2, 3, 4, 5 and 6; Fort Wright 1, 2, 3, 4 and 5; Lakeside Park 1, 2, and 3; and Park Hills 1, 2 and 3; Elsmere 4; and Sandfordtown."

"(64) Sixty-fourth District: That part of Kenton County containing the following voting precincts: Bracht, Cherokee, Covington 26, 27, 29, 30, 40, 41, 42 and 43, Decoursey, Independence 1 and 2, Morningview, Nicholson, Oakridge, Piner, Richardson, Taylor Mill 1 and 2, Visalia, Whites Tower, Winston Park."

"(65) Sixty-fifth District: That part of Kenton County containing the following voting precincts: Covington 12, 14, 15, 17, 18, 19, 20, 20A, 23, 24, 25, 31, 33, 34, 35, 36, and 39."

and on page 17, in District 79, line 12 (bottom line of page) by striking the word "northwestwardly" and substituting therefor the word "northeastwardly"

and on page 18, line 9, by striking the word "northwestwardly" and substituting therefor the word "northeastwardly"

and on page 22, by striking Districts 98, 99 and 100 in their entirety and substituting therefor the following:

"(98) Ninety-eighth District: That part of Greenup County not contained in the Ninety-ninth District."

"(99) Ninety-ninth District: Elliott County; that part of Lawrence County contained in voting precincts 1, 2, 3, 4, 5, 6, and 8; that part of Boyd County containing the following voting precincts: Court House 1, City Building 2, Argo 3, Hampton 4, Rockdale 5, England Hill 7, Durbin 8, East Fork 9, Cannonsburg 10, Princess 11, Garner 12, Hoods Creek 13, Fairview 14, Buckley 15, Westwood 16, Millseat 17; that part of Greenup County contained in Census Enumeration District 10, known as Bellefonte City, bounded by county line, Country Club Drive (State Highway 693) to its junction with State Highway 1725, then southeasterly to the county line."

"(100) One hundredth District: That part of Boyd County not contained in the Ninety-ninth District."

Agreed.

Representative Harris moved the Previous Question on SB 2 as amended.

On the roll calle the vote was yeas 44—Allen, Blandford, Blume, Brown, Burch, Chapman, Clapp, Dunn, Floyd, R. Graves, J. Hardin, Harris, Hart, Hinkle, Howell, Hughes, Hurst, Isler, Kelly, Kenton, Kidd, Louden, McBee, McGill, M. May,

W. May, Mershon, Moremen, Morgan, Nett, Paxton, Peniston, Prather, Priddy, Reed, Reynolds, Siemens, Swinford, Van Horn, Watkins, Wible, Wood, Wright, Yates. Nays 43—Blythe, Boone, Brewer, Clarke, Conn, Davis, DeMarcus, J. Graves, L. Hardin, Hellard, Holbrook, Holloway, Hopkins, Imes, Johnson, Jones, Kafoglis, Karem, Kessinger, King, Kleier, Lindsay, McBrayer, McBride, Mann, Peak, Pollitte, Quickert, Rattliff, Richardson, Robinson, Rowland, Sale, Schmaedecke, Schmidt, Sharpe, Simmons, Skaggs, Smith, Stuart, Wenz, West, Williams.

The motion to adopt the Previous Question on **SB 2** as amended was rejected.

Representative Johnson moved the adoption of the following Amendment No. 5 to **SB 2:**

Amend typewritten copy of State Government Committee Amendment to Senate Bill 2, in the enumeration of Representative Districts by changing the 28th and 29th Districts to read as follows:

"(28) Twenty-eighth District: That part of Jefferson County containing voting precincts C7, C31, C33, C40, C43, C45, C47, C50, C56, C57, C58, C65, C66, C72, C75, C78, C79, C82, and C90 of C District of the County."

"(29) Twenty-ninth District: That part of Jefferson County containing voting precincts C5, C6, C11, C21, C30, C34, C39, C46, C54, C55, C59, C60, C64, C67, C69, C71, C73, C74, C80, C81, C85, C91 and C94 of C District of the County."

On the roll call the vote was yeas 26—Blythe, Brewer, Davis, DeMarcus, J. Graves, L. Hardin, Holbrook, Holloway, Hopkins, Johnson, Kessinger, King, Moremen, Pollitte, Richardson, Robinson, Rowland, Schmaedecke, Schmidt, Sharpe, Simmons, Skaggs, Smith, Stuart, West, Wood. Nays 52—Allen, Blume, Brown, Bruce, Chapman, Clarke, Conn, Donnermeyer, Dunn, R. Graves, J. Hardin, Harris, Hart, Hellard, Howell, Hughes, Hurst, Isler, Karem, Kelly, Kenton, Kidd, Kleier, Lewis, Louden, McBee, McBrayer, McBride, McGill, Mann, M. May, W. May, Mershon, Morgan, Nett, Paxton, Peak, Peniston, Prather, Priddy, Reed, Reynolds, Sale, Siemens, Swinford, Thomas, Van Horn, Watkins, Wenz, Wible, Williams, Yates.

Amendment No. 5 to **SB 2** was rejected.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 5** has been examined and found correctly enrolled. **HB 5** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 5 delivered to the Senate, signed by President. Ordered delivered to the Governor.

(**SB 2** as amended, continued)

Representative Imes moved the adoption of the following Amendment No. 2 to **SB 2**:

Amend printed copy of Senate Bill 2, in the enumeration of Representative Districts, by changing the 2nd, 4th and 5th Districts to read as follows:

"(2) Second District: Graves County and that portion of McCracken County contained in the southern portion of the voting precinct of Oaks Station, starting at the Graves County line and extending northward to Lydon Road, then east to Clark's River, then southeasterly along Clark's River to the Marshall County line."

"(4) Fourth District: Livingston County, and that part of McCracken County not contained in the First, Second and Third Districts."

"(5) Fifth District: Calloway County and that part of Trigg County west of Kentucky Highway 139 and including the City of Cadiz."

On the roll call the vote was yeas 22—Blandford, Blythe, Hellard, Hinkle, Holbrook, Holloway, Imes, Johnson, Jones, Karem, King, Lewis, Lindsay, McBrayer, Moremen, Pollitte, Rattliff, Richardson, Robinson, Stuart, Williams, Wood. Nays 41—Blume, Clarke, Conn, Donnermeyer, Dunn, Floyd, J. Graves, R. Graves, Harris, Hart, Head, Howell, Hughes, Hurst, Isler, Kelly, Kenton, Kidd, Louden, McBride, McGill, Mann, M. May, Mershon, Nett, Paxton, Peak, Peniston, Prather, Priddy, Quickert, Rowland, Sale, Smith, Swinford, Thomas, Van Horn, West, Wible, Wright, Yates.

Amendment No. 2 to **SB 2** was rejected.

Representative Chapman moved that the House adjourn until 10:00 a.m., Thursday, June 15, 1972.

On the roll call the vote was yeas 5—Chapman, Johnson, Kafoglis, Kleier, Lindsay. Nays 56—Allen, Blandford, Blume, Blythe, Boone, Brown, Clapp, Clarke, Conn, Donnermeyer, Dunn, Floyd, J. Graves, R. Graves, J. Hardin, Harris, Hart, Head, Hellard, Hinkle, Holbrook, Hopkins, Howell, Hughes, Imes, Isler, Jones, Karem, Kelly, Kenton, King, Lewis, Louden, McBrayer, McBride, McGill, Mann, W. May, Mershon, Morgan, Nett, Paxton, Peak, Peniston, Prather, Priddy, Robinson, Rowland, Sale, Swinford, Thomas, Van Horn, Wible, Williams, Wood, Yates.

The motion to adjourn was rejected.

Representative McBride moved that **SB 2** as amended be laid on the Clerk's desk.

On the roll call the vote was yeas 20—Blandford, Boone, Bruce, Davis, R. Graves, J. Hardin, Hellard, Johnson, Jones, Kafoglis, Karem, Kenton, Lindsay, McBride, Peak, Pollitte, Schmaedecke, Schmidt, Stuart, Wible. Nays 45—Blume, Brewer, Clapp, Conn, DeMarcus, Donnermeyer, Dunn, Floyd, J. Graves, L. Hardin, Hart, Head, Hinkle, Howell, Hughes, Isler, Kelly, Kessinger, Kidd, McBee, McBrayer, McGill, Mann, W. May, Mershon, Moremen, Morgan, Peniston, Prather, Quickert, Richardson, Robinson, Rowland, Sale, Sharpe, Siemens, Smith, Swinford, Van Horn, Watkins, Wenz, West, Wood, Wright, Yates.

The motion that **SB 2** as amended be laid on the Clerk's desk was rejected.

Recess

Representative Lindsay moved that the House recess for fifteen minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 3** has been examined and found correctly enrolled. **HB 3** read at length,

compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 3 delivered to the Senate, signed by President. Ordered delivered to the Governor.

(**SB 2** as amended, continued)

Representative Lindsay moved the adoption of the following Amendment No. 13 to **SB 2:**

Amend typewritten copy of State Government Committee Amendment to Senate Bill 2, page 2, by striking the 11th District in its entirety and substituting therefor the following:

"(11) Eleventh District: Henderson County, except for the voting precincts of South Corydon, Niagara and Hebbardsville, and that portion of the county lying south of Kentucky Highway 416, beginning at its junction with U. S. 41A and proceeding eastward to its junction with Niagara precinct."

Agreed.

On the roll call the vote was yeas 74—Allen, Blandford, Blume, Boone, Brewer, Brown, Bruce, Clapp, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Lucian T. Hardin, Harris, Hart, Head, Hellard, Hinkle, Hopkins, Howell, Hughes, Hurst, Isler, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, Kleier, Lewis, Louden, McBee, McGill, Mann, Marrs A. May, Woodford May, Mershon, Moremen, Morgan, Nett, Paxton, Peak, Peniston, Prather, Priddy, Rattliff, Reed, Reynolds, Richardson, Rowland, Sale, Schmaedecke, Schmidt, Siemens, Skaggs, Smith, Swinford, Thomas, Van Horn, Watkins, Wells, Wenz, West, White, Wible, Wood, Wright, Yates. Nays 13—Holbrook, Imes, Johnson, Jones, King, Lindsay, McBrayer, McBride, Pollitte, Quickert, Robinson, Stuart, Williams.

SB 2 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 2** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the Rules be suspended for introduction and action upon Resolutions. Agreed.

Representative Swinford moved the adoption of the following **HR 21:**

HR 21, A RESOLUTION commending the Subcommittee on Reapportionment.

WHEREAS, legislative redistricting, often with us, forever thankless and always difficult, has been accomplished with dispatch during this remarkably efficient extraordinary session; and

WHEREAS, the Subcommittee on Reapportionment of the House State Government Committee is responsible for this efficiency under circumstances difficult at best by their very nature; and

WHEREAS, resulting from the diligent effort of this subcommittee, the Commonwealth now will enjoy one of the most equitable legislative district arrangements prevailing across the nation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Subcommittee on Reapportionment of the House State Government Committee, and each member thereof, be, and they hereby are, commended and extended all due gratitude for their efforts in promulgating reapportionment legislation during the 1972 Extraordinary Session of the General Assembly.

Agreed.

Representative Swinford moved the adoption of the following **HR 20:**

HR 20, A RESOLUTION commending the staff of the Legislative Research Commission.

WHEREAS, the Legislative Research Commission staff, and particularly those of its members engaged in the task of legislative reapportionment, have devoted many extra hours to the complexities of the 1972 Extraordinary Session; and

WHEREAS, under the most trying circumstances said staff has remained cheerful, cooperative, efficient and helpful; and

WHEREAS, such efficiency and cooperation have enabled the 1972 Extraordinary Sesison to complete its work with unprecedented dispatch and promptness;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the staff of the Legislative Research Commission be, and it hereby is, commended, thanked and extended warmest appreciation for its diligent efforts on behalf of the 1972 Extraordinary Session of the General Assembly.

Agreed.

HCR 24, by Representative Swinford: A CONCURRENT RESOLUTION relating to the adjournment of the General Assembly.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

That when the House of Representatives and the Senate adjourn on Thursday, June 15, 1972, they do so adjourn sine die.

Representative Swinford moved the adoption of **HCR 24.**

On the roll call the vote was yeas 65—Allen, Blume, Boone, Brewer, Brown, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Lucian T. Hardin, Hart, Head, Hellard, Hinkle, Holloway, Hopkins, Howell, Hurst, Isler, Jones, Kafoglis, Kelly, Kessinger, Kidd, Louden, McBee, McGill, Mann, Marrs A. May, Woodford May, Mershon, Moremen, Morgan, Nett, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Reed, Richardson, Rowland, Schmaedecke, Schmidt, Sharpe, Smith, Stuart, Swinford, Van Horn, Watkins, Wells, Wenz, West, Wible, Williams, Wood, Wright, Yates. Nays 6—Holbrook, Imes, Karem, Kenton, King, Kleier.

HCR 24 was adopted.

HR 23, by Representative M. May: A RESOLUTION honoring Pike County.

WHEREAS, Pike County was the hunting ground of the Indians and long-rifle hunters; and the location of the first permanent settlement for the pioneers, who in the early days of our Commonwealth helped hew out the destiny of our great people; and

WHEREAS, the endurance and endeavor of the pioneers of the past and the progressiveness of the present day citizenry developed one of the greatest industrial sections of our Commonwealth; starting with the day of the canoe, continuing with steamboat transportation and arriving at the present day where railroads and improved highways and modern conveniences have made Pike County, with its timber and mineral resources, an industrial empire; and

WHEREAS, Pike County has an illustrious history and has produced many distinguished sons active in state, national and world affairs, including those who have participated in the defense of our great nation, all of which reflects credit upon this great Commonwealth; and

WHEREAS, from July 3rd to the 9th, inclusive, in this year, 1972, the citizens of Kentucky will at Pikeville celebrate the one-hundred and fiftieth anniversary of the existence of Pike County;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives, representing all counties of Kentucky, does hereby extend congratulations and felicitations to the citizens of Pike County on the occasion of their Sesquicentennial celebration.

Representative M. May moved the adoption of **HR 23.**

On the roll call the vote was yeas 71—Allen, Blume, Boone, Brewer, Conn, Davis, DeMarcus, Donnermeyer, Dunn, Joe Graves, Ralph Graves, Lucian T. Hardin, Hart, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Howell, Hurst, Isler, Johnson, Jones, Kafoglis, Karem, Kelly, Kenton, Kessinger, Kidd, King, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McGill, Mann, Marrs A. May, Woodford May, Mershon, Moremen, Nett, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Reed, Richardson, Robinson, Rowland, Schmaedecke, Schmidt, Sharpe, Smith, Stuart, Swinford, Van Horn, Watkins, Wells, Wenz, West, White, Wible, Williams, Wood, Wright. Nays 1—Clarke.

HR 23 was adopted.

Representative Swinford moved that his name be added as a co-sponsor of HR 23. Agreed.

Announcements

Representative J. Hardin requested that he be recorded as voting "yea" on SB 5.

Adjournment

Representative Swinford moved that the House adjourn until 10:00 a.m., Thursday, June 15, 1972.

On the roll call the vote was yeas 62—Allen, Blume, Boone, Brewer, Conn, Davis, Donnermeyer, Dunn, Floyd, Joe Graves, Ralph Graves, Hart, Head, Hellard, Hinkle, Holloway, Hopkins, Howell, Hurst, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Lindsay, Louden, McBee, McBrayer, McBride, McGill, Mann, Mershon, Moremen, Nett, Paxton, Peak, Peniston, Pollitte, Prather, Priddy, Quickert, Reed, Richardson, Robinson, Rowland, Schmaedecke, Schmidt, Sharpe, Siemens, Stuart, Swinford, Thomas, Van Horn, Wells, Wenz, West, White, Wible, Wood, Yates. Nays 2—Clarke, Holbrook.

The motion to adjourn was adopted.

THURSDAY, JUNE 15, 1972

SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Herman M. Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives Justice, Lile, Parish, and Simmons.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Hughes moved that the reading of the Journal of June 14, 1972, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 25, by Representative Nett: A RESOLUTION requesting the Legislative Research Commission to study the matter of social security for teachers.

HR 26, by Representative J. Graves: A RESOLUTION concerning the notice to be given of interim committee meetings.

HR 27, by Representatives Karem, Blume, Yates, Nett, Kidd, Blythe, Burch, Siemens, McGill, Conn, Dunn, Hughes, Maynard, and Wright: A RESOLUTION urging the University of Louisville to lower tuition rates as planned.

HR 28, by Representatives Stuart, Blume, Karem, Holloway, Dunn, Nett, Hughes, Quickert, Johnson, Priddy, and Kleier: A RESOLUTION urging the University of Kentucky and the University of Louisville to meet each other in all areas of athletic competition.

HR 29, by Representatives Conn, Nett, Kleier, Dunn, Wright, Holloway, Johnson, Stuart, Siemens, Yates, McGill, Hughes, Blythe, Quickert, Blume, Karem, Priddy, Kidd, and Burch: A RESOLUTION expressing disappointment and surprise over budget cuts by the City of Louisville affecting the University of Louisville and urging reconsideration thereof.

Motions, Petitions, and Communications

Representative J. Graves moved the adoption of the following **HR 26:**

HR 26, A RESOLUTION concerning the notice to be given of interim committee meetings.

WHEREAS, interim committee meetings in the past have not always been fully publicized; and

WHEREAS, there is no reason why all interim committees could not give adequate, prior notice of their meetings and subcommittee meetings to all members of the General Assembly and to the news media; and

WHEREAS, such a policy would enable each member of the General Assembly to make suggestions about legislation being considered by the interim committees; and

WHEREAS, hopefully this policy would more fully utilize the talents of every member of the General Assembly, and thereby increase the service of the General Assembly to the citizens of the Commonwealth; and

WHEREAS, a list of all scheduled meetings could be distributed to members with the monthly expense checks;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the members of the Legislative Research Commission consider adopting a policy which would require all interim committees to give adequate, prior notice of their meetings and subcommittee meetings to all members of the General Assembly and to the news media.

Agreed.

Representative Conn moved the adoption of the following **HR 29:**

HR 29, A RESOLUTION expressing disappointment and surprise over budget cuts by the City of Louisville affecting the University of Louisville and urging reconsideration thereof.

WHEREAS, the General Assembly of the Commonwealth of Kentucky, meeting in Regular Session in 1972 allocated $30,310,460.00 for use by the University of Louisville during the 1972-1974 biennium; and

WHEREAS, this allocation was based on the good faith reliance of the General Assembly that the City of Louisville would maintain its prior level of funding for the University of Louisville; and

WHEREAS, the proposed reduction in the City of Louisville budgetary allocation for the University of Louisville not only violates the General Assembly's good faith reliance, but also jeopardizes the implementation of many proposed improvements in the educational program at the University of Louisville;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the General Assembly urge the City of Louisville to reconsider its budgetary allocation for the University of Louisville and return to its prior level of committment and financial support for the University of Louisville.

Section 2. That a copy of this resolution be sent to the Mayor of Louisville, the Board of Aldermen, and the President of the University of Louisville.

Representative Richardson moved that **HR 29** be laid on the table. Rejected.

On the roll call the vote was yeas 33—Blandford, Blume, Conn, DeMarcus, Donnermeyer, Dunn, J. Graves, R. Graves, Head, Hellard, Holbrook, Hughes, Kafoglis, Karem, Kelly, McGill, Mann, Maynard, Nett, Peak, Prather, Priddy, Quickert, Reed, Reynolds, Schmaedecke, Schmidt, Siemens, Smith, Stuart, Thomas, Wible, Yates. Nays 19—Bruce, Floyd, Hinkle, Lindsay, McBride, Moremen, Morgan, Overstreet, Peniston, Richardson, Rowland, Sale, Sharpe, Skaggs, Swinford, Van Horn, Watkins, West, Williams.

HR 29 was adopted.

Representative Conn moved that the vote by which **HR 29** was adopted be reconsidered and said motion be postponed indefinitely. Rejected.

Representative McBride moved that his vote be changed from "nay" to "yea" on **HR 29.** Agreed.

Representative J. Hardin requested that he be recorded as voting "yea" on the passage of **SB 2.**

Representative Karem moved the adoption of the following **HR 27:**

HR 27, A RESOLUTION urging the University of Louisville to lower tuition rates as planned.

WHEREAS, the University of Louisville on becoming a part of the Commonwealth of Kentucky's State University system adopted a planned decrease in tuition rates so as to approach those of the other State universities; and

WHEREAS, in these times of economic hardship it is recognized that lowering the tuition rates at the University of Louisville will serve the Commonwealth by allowing deserving Kentucky students the benefits of higher education that might be otherwise denied; and

WHEREAS, because of the City of Louisville's precipitous decision to cut the University of Louisville's budget this planned tuition decrease may be in jeopardy.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the University of Louisville implement its tuition decrease as planned.

Section 2. That the Clerk of the House of Representatives be directed to transmit a copy of this resolution to the Mayor of the City of Louisville, the members of the Board of Aldermen of the City of Louisville and the President of the University of Louisville.

Agreed.

Representative Stuart moved the adoption of the following HR 28:

HR 28, A RESOLUTION urging the University of Kentucky and the University of Louisville to meet each other in all areas of athletic competition.

WHEREAS, the University of Kentucky "Wildcats" and the University of Louisville "Cardinals" have continually exemplified the true spirit of high athletic competition; and

WHEREAS, the University of Kentucky under the new leadership of John Ray and, likewise, the University of Louisville under Lee Corso are building top notch football programs which promise to thrill the citizens of this Commonwealth for many years to come; and

WHEREAS, both universities have enjoyed an illustrious history of basketball excellence which will continue under the guidance of two of the nation's finest coaches, Joe Hall and Denny Crum; and

WHEREAS, both institutions are in the process of developing diverse athletic programs with emphasis on previously lesser publicized sports such as baseball, golf, swimming, tennis, and track and field, and that these programs would greatly benefit from publicity and recognition obtained from competition of the two schools in said events, and

WHEREAS, the people of the Commonwealth of Kentucky would benefit greatly from athletic contests between the two schools;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the University of Kentucky and the University of Louisville are urged to meet each other in all athletic contests.

Section 2. That copies of this Resolution be forwarded by the Clerk of the House of Representatives to the President and Athletic Director of the University of Kentucky, and to the President and Athletic Director of the University of Louisville.

Agreed.

Representative Nett moved the adoption of the following **HR 25:**

HR 25, A RESOLUTION requesting the Legislative Research Commission to study the matter of social security for teachers.

WHEREAS, Kentucky's public school teachers are not presently covered by Social Security; and

WHEREAS, some study should be given to the question of whether they should be so covered;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission is requested to study the question of Social Security coverage for Kentucky's public school teachers, and to report its findings prior to the 1974 regular session of the General Assembly.

Agreed.

Representative J. Graves moved that the Rules be suspended for the introduction of and action upon a Resolution. Agreed.

HR 30, by Representative J. Graves: A RESOLUTION urging the Department of Banking to abide by the Attorney General's opinion in regard to methods of charging interest.

WHEREAS, a newspaper article on June 9, 1972 reported that certain representatives of Industrial Loan companies were seeking permission from the Commissioner of Banking to use the discount method of charging interest; and

WHEREAS, the same article reveals that the maximum interest on a five-year $7,500.00 loan might be as high as $4,059.80 calculated on the discount basis compared with interest of $2,625.00 for the same loan if the present add-on method is used; and

WHEREAS, the House of Representatives is desirous that the consumers of Kentucky not be subjected to unnecessarily high and excessive interest charges; and

WHEREAS, the Attorney General has issued an opinion

saying the companies proposed method is prohibited under the State's industrial loan law;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives concurs with the opinion expressed by the Attorney General and be it further resolved that the House of Representatives urges the Commissioner of Banking to abide by the Attorney General's opinion.

Representative J. Graves moved the adoption of **HR 30.** Agreed.

Representative Searcy requested that he be recorded as voting "yea" on **SB 4, SB 1,** and **SB 2.**

Representative Swinford moved that the Rules be suspended to make adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Recess

Representative Swinford moved that the House recess until 11:15 a.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HJR 2.**

Representative Blythe moved that the Rules be suspended for the introduction of and action upon a Resolution. Agreed.

HR 31, by Representative Blythe: A RESOLUTION memorializing the Federal Environmental Protection Agency concerning noise pollution.

WHEREAS, the people of our Commonwealth and of our nation are entitled to and should be insured an environment

free from noise which unnecessarily degrades the quality of life; and

WHEREAS, the levels of noise in most communities have reached such a degree as to endanger the health, safety and welfare of the people of our state as well as the integrity of the environment; and

WHEREAS, this insidious threat from noise can be abated by the adoption and enforcement of noise standards; and

WHEREAS, the matter of noise pollution is one that must be handled at both the Federal and state levels;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Federal Environment Protection Agency (EPA) be, and it hereby is, memorialized to look into the matter of noise pollution with utmost haste and make definite recommendations to the Kentucky Department of Environmental Protection for the abatement of noise pollution in our society.

Section 2. That the Clerk send a copy of this resolution to the Federal Environmental Protection Agency.

Representative Blythe moved the adoption of **HR 31.**

On the roll call the vote was yeas 52—Blume, Blythe, Boone, Burch, Clarke, Conn, Davis, DeMarcus, Donnermeyer, Dunn, J. Graves, R. Graves, J. Hardin, L. Hardin, Harris, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Isler, Jones, Kafoglis, Karem, Kenton, Kessinger, King, Kleier, Lindsay, Louden, McBee, McGill, Mann, W. May, Maynard, Peak, Quickert, Rattliff, Reed, Reynolds, Richardson, Sale, Schmaedecke, Schmidt, Siemens, Swinford, Van Horn, Watkins, Wenz, West, Wible. Nays 5—Bruce, Moremen, Robinson, Searcy, Wright.

HR 31 was adopted.

Representative Clarke moved that he be allowed to change his vote from "nay" to "yea" on **HR 23.**

On the roll call the vote was yeas 61—Allen, Blume, Blythe, Boone, Bruce, Burch, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, J. Graves, R. Graves, J. Hardin, L. Hardin, Harris, Hart,

Head, Hinkle, Holbrook, Howell, Hughes, Hurst, Isler, Jones, Kafoglis, Karem, Kenton, Kessinger, King, Kleier, Lindsay, Louden, McBee, McBride, McGill, Mann, M. May, W. May, Maynard, Moremen, Peak, Quickert, Rattliff, Reed, Reynolds, Richardson, Robinson, Rowland, Schmaedecke, Schmidt, Searcy, Siemens, Swinford, Thomas, Van Horn, Watkins, Wenz, West, Wible, Wood. Nays 3—Conn, Hellard, Wright.

The motion that Representative Clarke be allowed to change his vote from "nay" to "yea" on **HR 23** was adopted.

Report on Enrolled Bills

The Committee on Enrollment reported **HJR 2** has been examined and found correctly enrolled. **HJR 2** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HJR 2 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Announcements

Representative Swinford moved that the Chair appoint a committee to inform the Senate that the House has concluded all business, and that this committee join a like committee from the Senate to wait upon the Governor to inquire if he has further business to refer to the General Assembly.

Agreed.

The Speaker appointed the following committee: Representatives Swinford, Clarke, and Blythe.

Representative Chapman moved that the Rules be suspended for introduction of and action upon a Resolution. Agreed.

HR 32, by Representative Chapman: A RESOLUTION honoring Louisa, Lawrence County.

WHEREAS, Louisa was one of the first gaps of the Cumberland Chain; and

WHEREAS, Louisa bears the name of the distinguished County "Louisa" of Virginia; and

WHEREAS, This July, 1972, Louisa will celebrate its one hundred and fiftieth anniversary;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives, representatives, representing all cities and counties of Kentucky, does hereby extend congratulations and felicitations to the citizens of Louisa and Lawrence County on the occasion of their Sesquicentennial celebration.

Section 2. That a copy of this resolution be transmitted to the Honorable J. R. Queen, Mayor of Louisa, Kentucky.

Representative Chapman moved the adoption of **HR 32.** Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 2** and **SB 4** have been examined and found correctly enrolled. **SB 2** and **SB 4** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Senate Message

Announcing passage of **HR 24.**

Representative Swinford moved that the Journal of the House of Representatives for the First Extraordinary Session of 1972 be approved. Agreed.

Adjournment

The Committee from the House met with a like Committee from the Senate and Representative Swinford reported that the Governor thanked them and stated he had no further business.

Representative Peak moved that the House adjourn sine die.

The Journal of the House of Representatives was read, compared and approved. The House adjourned sine die.

APPROVED:
Norbert Blume, Speaker
House of Representatives

ATTEST:
Addie D. Stokley, Clerk
House of Representatives

INDEX

Page

History of House Bills ---------- 256

History of House Resolutions ---------- 258

History of Senate Bills ---------- 262

History of Senate Resolutions ---------- 264

General Index ---------- 266

Legislative Days ---------- 275

HISTORY OF HOUSE BILLS

Numbers refer to page of House Journal. The text of a bill is given on 1st reading. The names of sponsors are in parentheses; when a bill has more than two sponsors only the first is listed in this history, but all sponsors are listed when a bill is introduced.

HB 1 Permit local option elections on primary or general election days. (Schmidt).

HB 2 Reapportion congressional districts (Isler).

HB 3 Create a Department of Environmental Protection (Clark and others).

HB 4 Reapportion congressional districts (Swinford, Reynolds).

HB 5 Redefine certain voting residence and disabled voter provisions (R. Graves, Swinford).

HB 6 Impose a civil penalty for occupational safety violations (Siemens and others).

HB 7 Redefine effective date for state savings and loan insurance requirements (Wible, Swinford).

HB 8 Reapportion legislative districts (Wells).

Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Substitute or Amend	Voting	Other Action
13	14									
13	14									
13	14	29	30	93	101	232	238	101	101	14, 99, 114, 224
13	14	29	89	93	102	224	232	102	103	99, 224
13	14	18	19	93	104	224	236	104	104	99, 224
13	14	26	27	93	105			105	105	99, 224
13	14	18	18	93	106			106	112	100, 224
13	14									

HISTORY OF HOUSE RESOLUTIONS

Numbers refer to page of ~~Senate~~ House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated HJR; concurrent resolutions are designated HCR.

HR	1	Authorize a committee to wait upon the Governor (Swinford).
HJR	2	Ratify the equal rights amendment to the U. S. Constitution (Swinford, R. Graves).
HJR	3	Appropriate funds for expenses of the extraordinary session (Swinford).
HR	4	Invite pastors to open sessions of the House with prayer (Swinford).
HCR	5	Direct the Legislative Research Commission to seek financial assistance for developing environmental and economic policy (McBrayer, Clarke).
HR	6	Recognize Vanceburg on its 175th anniversary (Davis).
HR	7	Request conduct of the 1980 census on a voting precinct basis (Searcy and others).
HR	8	Adjourn in memory of Malcom H. Black (Richardson).
HR	9	Direct the Legislative Research Commission to study the effects of adopting the equal rights amendment to the U. S. Constitution (Schmaedecke).
HR	10	Withdrawn.
HR	11	Commend Dr. Woodrow Strickler (Searcy and others).
HR	12	Direct the Legislative Research Commission to seek financial assistance for developing environmental and economic policy (McBrayer and others).
HR	13	Commend James T. Fleming (Wood, Moremen).
HR	14	Wish Governor George C. Wallace a speedy recovery (Bruce and others).
HR	15	Recognize Flemingsburg on its 150th anniversary (Wenz).
HR	16	Request the Governor to arrange for the preservation of the Henry Clay Monument (Peak and others).
HR	17	Urge the U. S. Department of Commerce to make greater effort to count the residence of Highland Heights (Schmidt).
HR	18	Adjourn in honor of W. Hickman Baldree (R. Graves and others).
HR	19	Commend the Inter Lake Steel Corporation (Mann and others).
HR	20	Commend the Legislative Research Commission staff (Swinford).
HR	21	Commend the Subcommittee on Reapportionment (Swinford).
HR	22	Request the Legislative Research Commission to study tax return preparation by unlicensed persons (Kleier).
HR	23	Congratulate Pike County on its Sesquicentennial (M. May).
HCR	24	Adjourn sine die on June 15, 1972 (Swinford).

Introduced	Referred	Reported	1st	Readings 2nd	3rd	Adopted	Senate Message	Enrolled	Other Action
7						7			
13	14	18	25	93	112	113	249	251	100, 224
13	14	17	17	93	113	113	224	232	100, 224
14						15			
14	14								
93						94			
93						95			
96						97			
99						224			
99									219
99						101			
212						217			218
212						216			
212						213			
212						215			
212						214			
220						222			
220						221			
220						221			
220						239			
220						239			
223						223			
240						241			242, 250
240						240	252		

HR 25 Request the Legislative Research Commission to study social security for public school teachers (Nett).
HR 26 Request the Legislative Research Commission to require its interim subcommittees to give adequate public notice of meetings (J. Graves).
HR 27 Urge the University of Louisville to implement its planned tuition decrease (Karem and others).
HR 28 Urge the University of Kentucky and the University of Louisville to engage in athletic competition (Stuart and others).
HR 29 Urge the City of Louisville to reconsider its budgetary allocation for the University of Louisville (Conn and others).
HR 30 Urge the Department of Banking to abide by the Attorney General's opinion on the discount interest method for industrial loans (J. Graves).
HR 31 Request the federal Environmental Protection Agency to investigate noise pollution (Blythe).
HR 32 Congratulate Louisa on its sesquicentennial (Chapman).

Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Other Action
243						248			
243						244			
243						246			
243						247			
243						245			246
248						248			
249						249			
251						251			

HISTORY OF SENATE BILLS

Numbers refer to page of House Journal. The text of a bill is given on 1st reading.

SB 1 Create a Department of Environmental Protection.

SB 2 Reapportion legislative districts.

SB 3 Redefine certain voting residence and disabled voter provisions.

SB 4 Redefine effective date for state savings and loan insurance requirements.

SB 5 Impose a civil penalty for occupational safety violations.

Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Substitute or Amend	Voting	Other Action
106	114	124	125	212					220, 249
106	114	124	185	212	233	252	192, 233, 236, 238	238	220, 249
106	114	118	118	212					220
114	114	123	123	212	226	252	124, 226, 229	231	220, 249
106	114	115	115	212	227	232		227	220, 242

HISTORY OF SENATE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated **SJR**; concurrent resolutions are designated **SCR.**

SCR 1 Commend Louis J. Charmoli.
SCR 3 Commend the Legislative Reasearch Commission and the state printer.

Senate Message	Re-ferred	Re-ported	Readings 1st	2nd	3rd	Adopted	En-rolled	Other Action
106	114	124	125	212	228	228	232	220
106	114	124	124	212	228	228	232	220

(See history of bills and resolutions for page reference)

Air Pollution
Inter Lake Steel Corporation, control efforts—HR 19
State control agency—SB 1; HB 3

Alcoholic Beverages
Local option election date—HB 1

Allen, Darvin
Introduced: HB 3; HR 11, 12, 16

Appropriations
Legislative Research Commission, session expenses of—HR 3

Athletics
Charmoli, "Butch," commending—SR 1
UK-U of L competition—HR 28

Banking
Savings and loan associations
Insurance requirement—SB 4; HB 7

Blandford, Donald J.
Introduced: HR 7, 11

Blume, Norbert
Introduced: HB 3; HR 7, 11, 12, 27, 28, 29, 31

Blythe, E. Bruce
Introduced: HB 3; HR 7, 11, 27, 29, 31

Boone, George Street
Introduced: HB 3; HR 11, 12

Brewer, Sam, Jr.
Introduced: HR 7, 12

Brown, Edward G.
Introduced: HR 11

Bruce, James E.
Introduced: HR 11, 14

Burch, Thomas J.
Introduced: HB 3, 6; HR 11, 12, 27, 29

Chapman, Tom
Introduced: HB 3; HR 32

Cities—Generally
Flemingsburg, recognition of—HR 15
Highland Heights, urge location of—HR 17
Louisa, Sesquicentennial Celebration—HR 32
Vanceburg, recognition of—HR 6

Civil Rights
Sex discrimination—HR 2, 9

Clapp, Lloyd
Introduced: HR 18

Clarke, Joe
Introduced: HB 3; HR 5, 7, 11, 12

Commendations and Recognitions
Baldree, W. Hickman—HR 18
Charmoli, Louis J., "Butch"—SR 1
Committee on Reapportionment—HR 21
Fleming, James T.—HR 13
Flemingsburg, anniversary of—HR 15
Inter Lake Steel Corporation—HR 19
Legislative Research Commission employees—SR 3; HR 20
Louisa, Sesquicentennial Celebration—HR 32
Pike County Sesquicentennial—HR 23
Strickler, Dr. Woodrow—HR 11
Vanceburg, anniversary of—HR 6
Wallace, Gov. George C., urging speedy recovery—HR 14

Conn, Peter
Introduced: HB 3; HR 11, 12, 27, 29

Consumer Affairs
Interest rates—HR 30

Counties, Generally
Pike County Sesquicentennial—HR 23

Davis, Jim
Introduced: HR 6, 11

DeMarcus, W. Harold
Introduced: HR 7, 11, 12, 14, 16

Donnermeyer, William
Introduced: HB 3; HR 7, 12, 19

Dunn, James R.
Introduced: HB 3; HR 11, 12, 14, 27, 28, 29

Economic Development
State policy on—HR 5, 12

Education, Higher
Louisville, University of
Municipal appropriation revision—HR 29
Tuition decrease implementation—HR 27

Elections
Local option, date of—HB 1
Reapportionment
Congressional districts—HB 2, 4
Legislative districts—SB 2; HB 8
Residence requirement—SB 3; HB 5

Emergency or Extraordinary Effective Date, Legislation Containing
Emergency—SB 3, 4; HB 5, 7; HR 3
January 1, 1973—SB 1; HB 3
Multiple extraordinary dates—SB 3, 4; HB 5, 7

Environment
Environmental Protection, Department of, creating—SB 1; HB 3
Noise pollution—HR 31
State policy on—HR 5, 12

Floyd, Lavey
Introduced: HB 3

General Assembly
Adjournment
Baldree, W. Hickman, in honor of—HR 18
Black, Malcom H., in memory of—HR 8
Fleming, James T., in honor of—HR 13
Sine die—HR 24
Committees
Reapportionment subcommittee, commending—HR 21
Interim committees, meetings notice by—HR 26
To wait upon the Governor—HR 1
Invitations
Pastors of Frankfort churches—HR 4
Reapportionment—SB 2; HB 8

Governor
Committee to wait upon—HR 1

Graves, Joe
Introduced: HB 3; HR 11, 12, 16, 26, 30

Graves, Ralph Ed
Introduced: HB 3, 5; HR 2, 11, 12, 14, 18

Hardin, John O.
Introduced: HB 3; HR 11, 12, 14

Hardin, L. T.
Introduced: HR 12

Harris, George F.

Hart, Charles B.
Introduced: HB 3; HR 11, 12

Head, Joe
Introduced: HB 3; HR 12, 14, 16

Hellard, Victor, Jr.
Introduced: HB 3; HR 7, 12

Hinkle, Brooks
Introduced: HB 3; HR 12, 14, 16

Historical Affairs
Henry Clay Monument—HR 16

Holbrook, Charles R., III
Introduced: HR 7, 12

Holloway, Edward L.
Introduced: HR 11, 28, 29

Hopkins, Larry J.
Introduced: HB 3; HR 7, 11, 12

Howell, Jeff D.

Hughes, Robert F.
Introduced: HB 3; HR 14, 27, 28, 29

Hurst, John

Imes, Kenneth C.
Introduced: HB 3; HR 11

Isler, John J.
Introduced: HB 2, 3; HR 7, 11

Johnson, J. O. (Oz)
Introduced: HR 7, 11, 28, 29

Jones, Chester
Introduced: HB 3; HR 12

Justice, J. C.

Kafoglis, Nicholas Z.
Introduced: HB 3; HR 12

Karem, David K.
Introduced: HB 3; HR 11, 12, 27, 28, 29

Kelly, Stuart
Introduced: HB 3

Kenton, William G.
Introduced: HB 3; HR 11, 12, 16

Kessinger, Theron
Introduced: HB 3; HR 11

Kidd, Mrs. Mae Street
Introduced: HB 3; HR 11, 12, 16, 27, 29

King, Phillip E.
Introduced: HB 3

Kleier, M. J. (Jerry)
Introduced: HB 3; HR 7, 10, 11, 22, 28, 29

Labor
Safety, violations concerning—SB 5; HB 6

Legislative Research Commission
Appropriations
Session expenses—HR 3
Employees, commending—SR 3; HR 20

Legislative Research Commission—(Continued)
Environmental policy aid—HR 5, 12
Interim subcommittees, meetings notice by—HR 26
Studies directed
Tax return preparation, unlicensed—HR 10, 22
Women's rights amendment effects—HR 9

Lewis, Richard H.
Introduced: HB 3; HR 12, 14, 16

Lile, Bill
Introduced: HB 7, 11, 12

Lindsay, Gross C.
Introduced: HB 3; HR 11, 14, 16

Loans and Credit
Interest rates
Industrial loan companies, charges by—HR 30
Savings and loan associations
Insurance requirement—SB 4; HB 7

Louden, W. J. (Jay)
Introduced: HR 7, 11, 12, 14

McBee, Wm. K. (Bill)
Introduced: HB 3; HR 11

McBrayer, W. Terry
Introduced: HB 3; HR 5, 12, 14, 16

McBride, Joseph H.
Introduced: HB 3; HR 12, 18

McGill, Charlotte S.
Introduced: HB 3; HR 11, 12, 27, 29

Mann, Terry L.
Introduced: HB 3; HR 7, 11, 12, 19

May, Marrs Allen
Introduced: HB 3; HR 7, 12, 23

May, Woodford F. (Woody)
Introduced: HB 3; HR 12

Maynard, Ray
Introduced: HB 3; HR 11, 12, 27

Memorials
Black, Malcolm H.—HR 8
Henry Clay Monument—HR 16

Mershon, Carl J.
Introduced: HB 3; HR 7, 12

Moremen, Willis G.
Introduced: HR 13

Morgan, Fred
Introduced: HR 11

Nett, Carl A.
Introduced: HB 3; HR 11, 12, 25, 27, 28, 29

Overstreet, Raymond D.
Introduced: HR 11

Parish, Omar, Jr.
Introduced: HR 11, 14

Paxton, Billy
Introduced: HB 3; HR 11

Peak, Bart N.
Introduced: HB 3; HR 7, 11, 16

Peniston, Louis T.
Introduced: HR 12

Pollitte, Bert Ed
Introduced: HR 12

Prather, Joe
Introduced: HB 3; HR 12

Priddy, Mrs. Dottie
Introduced: HB 3; HR 11, 28, 29

Quickert, Frank X.
Introduced: HR 28, 29

Rattliff, Herman W.

Reapportionment
Congressional districts—HB 2, 4
Legislative districts—SB 2; HB 8

Reed, E. T. (Tommy)
Introduced: HR 12

Retirement and Pensions
Teachers
Social Security coverage—HR 25

Reynolds, W. J.
Introduced: HB 3, 4; HR 7, 11, 12

Richardson, Bobby H.
Introduced: HB 3; HR 8, 11, 12, 16

Robinson, Albert

Rowland, John W.
Introduced: HB 3; HR 12

Safety
Industrial safety, violations concerning—SB 5; HB 6

Sale, Forest Aggie
Introduced: HB 3; HR 12, 16

Schmaedecke, Wm. L.
Introduced: HR 9, 11, 12

Schmidt, Arthur L.
Introduced: HB 1; HR 11, 17, 18, 19

Searcy, Stanley A.
Introduced: HR 7, 11, 12

Sharpe, Clifford M.
Introduced: HB 3; HR 11, 12

Siemens, George R.
Introduced: HB 3, 6; HR 11, 27, 29

Simmons, T. C.
Introduced: HR 7, 11, 12

Skaggs, J. T.
Introduced: HR 12

Smith, Randolph
Introduced: HR 12

State Agencies
Environmental Protection, Department of, creating—SB 1; HB 3

Stuart, Eugene P.
Introduced: HR 7, 11, 28, 29

Swinford, John
Introduced: HB 3, 4, 5, 6, 7; HR 1, 2, 3, 4, 11, 12, 16, 20, 21, 24

Taxation
Return preparation, unlicensed, study of—HR 10, 22

Teachers
Retirement
Social Security coverage—HR 25

Thomas, Sam B.
Introduced: HB 3; HR 7, 12

United States
Census, election precinct basis for—HR 7
Congressional districts, reapportionment of—HB 2, 4
Constitutional amendment on sex discrimination—HR 2

Universities and Colleges
Athletic competition, UK-U of L—HR 28
Louisville, University of
Municipal appropriation revision—HR 29
Tuition decrease implementation—HR 27

Van Horn, David L.
Introduced: HB 3; HR 11, 14, 16

Voting
Residence requirement—SB 3; HB 5

Water Pollution
State control agency—SB 1; HB 3

Watkins, Sam Houston
Introduced: HB 3; HR 14

Wells, Dwight
Introduced: HB 8

Wenz, Austin
Introduced: HB 3; HR 14, 15

West, Howard
Introduced: HB 3; HR 7, 11, 12, 14

White, Glenn
Introduced: HR 7, 16

Wible, Charles, S.
Introduced: HB 3, 7; HR 12

Williams, Rudolph
Introduced: HR 12

Women
Sex discrimination
Constitutional amendment on—HR 2
Study of—HR 9

Wood, Kenneth C.
Introduced: HR 7, 13, 14

Wright, Dexter S.
Introduced: HB 3; HR 11, 12, 27, 29

Yates, James B.
Introduced: HB 3; HR 7, 12, 27, 29

Legislative Day	Calendar Day	Page
First	Thursday, June 8, 1972	1
Second	Friday, June 9, 1972	93
Fourth	Monday, June 12, 1972	99
Fifth	Tuesday, June 13, 1972	212
Sixth	Wednesday, June 14, 1972	220
Seventh	Thursday, June 15, 1972	243